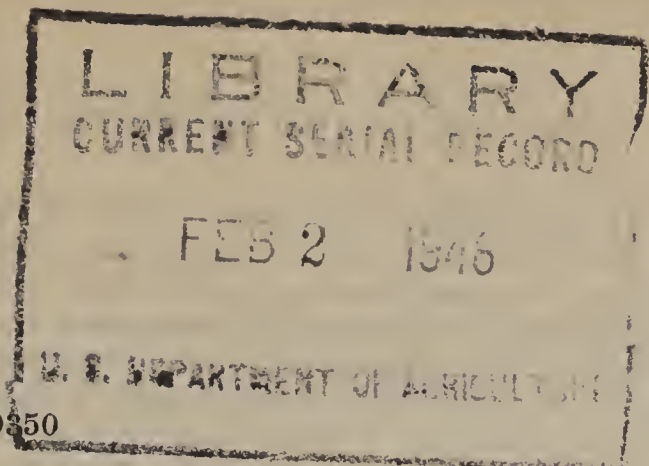


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F. N. J., F. D. C. 10201-10350 Issued January 1948

FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

10201-10350

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

MAURICE COLLINS, Acting Administrator, Federal Security Agency.

WASHINGTON, D. C., June 5, 1947.

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BEVERAGES AND BEVERAGE MATERIALS

10201. Misbranding of 505 Fermentation Inhibitor. U. S. v. 18 Bottles of 505 Fermentation Inhibitor. Default decree of condemnation and destruction. (F. D. C. No. 16140. Sample No. 28746-H.)

LIBEL FILED: June 22, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about September 22 and December 10, 1943, and January 8 and September 28, 1944, by the Sethness Products Co., from Chicago, Ill.

PRODUCT: 18 1-gallon bottles of 505 Fermentation Inhibitor at Seattle, Wash.

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article was misleading since the name "505 Fermentation Inhibitor" in combination with the label statements, "Contains: Water, Acetic Derivatives, Food Acids and

esters and ethers of Monochloroacetic acid. Use: To be used in Acid products to prevent lactic and alcoholic fermentation and the growth and multiplication of yeast bacteria," created the impression that the article was wholesome and suitable for use as a component of food used by man. The article contained monochloroacetic acid, which is a poisonous and deleterious substance, and its labeling failed to reveal the material fact, in the light of such representation, that the article contained a poisonous and deleterious substance which would render it unwholesome and unsuitable for use as a component of food used by man.

DISPOSITION: March 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10202. Misbranding of Sepco. U. S. v. 22 Jugs of Sepco (and 11 other seizure actions against Sepco). Default decrees of condemnation and destruction. (F. D. C. Nos. 16647, 19391 to 19393, incl., 19915, 19950, 19951, 20478, 20538, 20539, 20546, 20780. Sample Nos. 639-H, 14063-H, 23656-H, 35069-H, 38161-H, 43481-H, 48950-H, 49716-H, 52708-H, 56385-H, 65010-H, 65024-H.)

LIBELS FILED: Between June 25, 1945, and September 12, 1946, Middle District of Georgia, Eastern District of Missouri, Northern District of Ohio, Northern and Southern Districts of Texas, Eastern District of Pennsylvania, Southern District of California, Northern District of Alabama, Eastern District of Wisconsin, Western District of Oklahoma, and Southern District of Indiana.

ALLEGED SHIPMENT: Between the approximate dates of March 22, 1945, and May 13, 1946, by the Sethness Products Co., from Chicago, Ill.

PRODUCT: 118 1-gallon jugs of Sepco at Columbus, Ga., St. Louis, Mo., Cleveland, Ohio, Abilene and Houston, Tex., Philadelphia, Pa., Fullerton, Calif., Birmingham, Ala., Menasha, Wis., Woodward, Okla., and Evansville, Ind. Examination showed that the product was an aqueous solution containing between 1.26 grams and 8.47 grams of quaternary ammonium chloride per 100 cc.

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article was misleading since certain statements thereon represented to purchasers of the article that it was wholesome and suitable for use as a component of food for man, whereas the article contained quaternary ammonium chloride, a poisonous and deleterious substance; and the labeling failed to reveal the material fact that the article contained a poisonous and deleterious substance.

DISPOSITION: Between July 23, 1945, and December 10, 1946. The Sethness Products Co. having appeared as claimant for the St. Louis lot and later having withdrawn such claim, and no claimant having appeared for the other lots, judgments of condemnation were entered and the product was ordered destroyed.

10203. Adulteration of strawberry juice and red raspberry puree. U. S. v. 307 Cans of Strawberry Juice and 335 Cans of Red Raspberry Puree. Consent decrees of condemnation. Products ordered released under bond. (F. D. C. Nos. 10411, 10702, 17983. Sample Nos. 18437-F, 56523-F, 9488-H.)

LIBELS FILED: August 16 and September 9, 1943, and October 18, 1945, District of New Jersey and Western District of New York.

ALLEGED SHIPMENT: On or about June 19 and 28, 1943, and September 8, 1945, by the Sunshine Packing Corporation, from North East, Pa.

PRODUCT: 307 5-gallon cans of strawberry juice at Jersey City and Hackensack, N. J., and 335 45-pound cans of red raspberry puree at Buffalo, N. Y. Examination showed that the raspberry product contained moldy raspberry material.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances.

DISPOSITION: April 24 and May 13, 1946. The Sunshine Packing Corporation, claimant, having admitted the allegations of the libels, and the actions against the New Jersey lots having been consolidated, judgments of condemnation were entered and the products were ordered released under bond. It was ordered that the raspberry products be utilized for distillation purposes and that the strawberry product be disposed of so as to comply with the law, or destroyed, all under the supervision of the Food and Drug Administration.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS*

10204. Action to restrain the manufacture in the District of Columbia and the shipment in interstate commerce of adulterated bakery products. U. S. v. Athens Baking Co., Thomas Stethopulos, Peter Stethopulos, and Louis Mantis. Injunction granted. (Inj. No. 142.)

COMPLAINT FILED: On or about June 25, 1946, in the District of Columbia, against the Athens Baking Co., a partnership, Washington, D. C., and Thomas Stethopulos, Peter Stethopulos, and Louis Mantis, members of the partnership. The complaint alleged that the defendants had been and were continuing to manufacture in the District of Columbia and introduce and deliver for introduction into interstate commerce bakery products that were adulterated. A factory inspection of August 14, 1944, showed the existence of insanitary conditions resulting from heavy rodent and insect infestation and the presence of cats. Reinspections of October 30, 1944, and March 28, 1946, showed that the insanitary conditions had not been corrected. Samples of the firm's bakery products were examined and found to contain rodent and insect filth.

PRAYER OF COMPLAINT: That a temporary restraining order be granted, followed by a preliminary injunction enjoining the defendants from the commission of the acts complained of, and that, upon final hearing, the preliminary injunction be made permanent.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), the products had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth and whereby they may have been rendered injurious to health.

DISPOSITION: October 29, 1946. The defendants having consented to the entry of a decree, an order was entered permanently enjoining the defendants from commission of the acts complained of.

10205. Adulteration of cookies. U. S. v. Superior Biscuit Co., Inc., and Benjamin Shahbaz (also known as M. Cooper). Pleas of guilty. Fine of \$1,000 and costs. (F. D. C. No. 17790. Sample Nos. 22022-H, 22819-H to 22822-H, incl.)

INFORMATION FILED: February 11, 1946, Northern District of Illinois, against the Superior Biscuit Co., Inc., Chicago, Ill., and Benjamin Shahbaz, also known as M. Cooper, the president of the corporation.

ALLEGED SHIPMENT: On or about January 19 and February 1, 1945, from the State of Illinois into the State of Missouri.

LABEL, IN PART: "De Luxe Vanilla Waferette," "Pineapple Delight," "Orange Delight," "Strawberry Delight," or "Chocolate Chip Cookies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments, rodent hairs, rodent hair fragments, fragments resembling rodent hairs, and rodent excreta; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 1, 1946. Upon the entry of pleas of guilty, the defendants were fined \$1,000, plus costs.

10206. Adulteration of bread and cake. U. S. v. Martin Baking Co., and Meyer Herman. Pleas of guilty. Fines of \$750 against company and \$250 against individual defendant. (F. D. C. No. 16616. Sample Nos. 18767-H to 18770-H, incl.)

INFORMATION FILED: April 2, 1946, District of Minnesota, against the Martin Baking Co., a partnership, St. Paul, Minn., and Meyer Herman, a partner.

ALLEGED SHIPMENT: On or about July 5 to 7, 1945, from the State of Minnesota into the State of Wisconsin.

LABEL, IN PART: "Enriched Martin's Family White Special Sliced Bread," "Martin's Fruit Coffee Cake," "Raisin White Bread," or "Whole Wheat Bread."

*See also No. 10251.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, insect fragments, setae, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 27, 1946. A plea of guilty having been entered on behalf of the partnership and by the individual defendant, fines of \$750 and \$250, respectively, were imposed by the court.

10207. Adulteration of ice cream cones. U. S. v. Crispo Cake Cone Co. Plea of guilty. Fine, \$300. (F. D. C. No. 16583. Sample Nos. 99151-F to 99153-F, incl.)

INFORMATION FILED: November 2, 1945, Eastern District of Missouri, against the Crispo Cake Cone Co., a partnership, St. Louis, Mo.

ALLEGED SHIPMENT: On or about December 26, 1944, from the State of Missouri into the State of Illinois.

LABEL, IN PART: "Crispo Sugar Sweetened Pure Cake Cup Cones Crispo Cake Cone Co.," or "Flavorized Flare Tops Dripless Cake Cones * * * Baked By Maryland Baking Co., Inc. Baltimore, Md."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, insect fragments, and a beetle; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 11, 1946. A plea of guilty having been entered, the court imposed a fine of \$300.

10208. Adulteration of ice box cookies. U. S. v. 16 Cases of Ice Box Cookies. Default decree of condemnation. Product ordered delivered to a county institution, for use as animal feed. (F. D. C. No. 17699. Sample No. 17994-H.)

LIBEL FILED: September 29, 1945, Western District of Michigan.

ALLEGED SHIPMENT: On or about August 31, 1945, by the Delicious Cookie Co., from Chicago, Ill.

PRODUCT: 16 cases, each containing 24 8-ounce packages, of ice box cookies at Benton Harbor, Mich.

LABEL, IN PART: "Melody Farms Real Ice Box Cookies * * * Melody Farms, Inc. Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a county institution, for use as animal feed.

10209. Adulteration of rye hardtack. U. S. v. 50 Cartons of Rye Hard Tack. Default decree of condemnation and destruction. (F. D. C. No. 17631. Sample No. 7218-H.)

LIBEL FILED: October 4, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about August 13, 1945, by the Butter-Krust Toast Co., from Minneapolis, Minn.

PRODUCT: 50 cartons, each containing 12 14-ounce packages, of rye hardtack at New York, N. Y.

LABEL, IN PART: "Butter-Krust Rye Hard Tack."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and larvae; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CORN MEAL*

10210. Adulteration of corn meal. U. S. v. 376 Bags of Corn Meal. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17736. Sample Nos. 22206-H, 23075-H.)

LIBEL FILED: October 9, 1945, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about August 20 and September 5, 1945, by the Dobry Flour Mills, Inc., from Yukon, Okla.

PRODUCT: 376 25-pound bags of corn meal at Little Rock, Ark.

LABEL, IN PART: "Dobry's Best Enriched White Corn Cream Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: November 9, 1945. The Niemeyer Grain Co., Little Rock, Ark., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.

10211. Adulteration of corn meal. U. S. v. 244 Bags of Corn Meal. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17887. Sample No. 14102-H.)

LIBEL FILED: October 9, 1945, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about August 20, 1945, by the Burrus Mill and Elevator Co., from Fort Worth, Tex.

PRODUCT: 244 25-pound bags of corn meal at Crossville, Tenn.

LABEL, IN PART: "Sally Ann Cream Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and larvae.

DISPOSITION: November 27, 1945. The L. P. Shanks Co., Crossville, Tenn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.

10212. Adulteration of corn meal. U. S. v. 60 Bags of Corn Meal. Consent decree of condemnation. Product ordered destroyed. (F. D. C. No. 17735. Sample No. 23284-H.)

LIBEL FILED: October 3, 1945, Western District of Arkansas.

ALLEGED SHIPMENT: On or about August 4, 1945, by the Kellogg Sales Co., Omaha, Nebr.

PRODUCT: 60 25-pound bags of corn meal at Fort Smith, Ark.

LABEL, IN PART: "Kellogg's White Cream Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, insects, and insect fragments.

DISPOSITION: November 14, 1945. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

10213. Adulteration of corn meal. U. S. v. 15 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 17667. Sample No. 29982-H.)

LIBEL FILED: October 1, 1945, District of Nevada.

ALLEGED SHIPMENT: On or about February 21, 1945, from Sacramento, Calif.

PRODUCT: 15 100-pound bags of corn meal at Reno, Nev. The product had been stored under insanitary conditions. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

*See also Nos. 10222, 10224.

DISPOSITION: November 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FLOUR

Nos. 10214 to 10233 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.) The flour reported in Nos. 10234 to 10236 failed to meet the standard for enriched flour.

10214. Adulteration of flour. U. S. v. 443 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17723. Sample No. 29867-H.)

LIBEL FILED: October 9, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about July 26, 1945, by the Terminal Flour Mills Co., from Portland, Oreg.

PRODUCT: 443 100-pound bags of flour at San Francisco, Calif.

LABEL, IN PART: "Enriched Western Choice Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles.

DISPOSITION: November 1, 1945. The Terminal Flour Mills Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

10215. Adulteration of flour. U. S. v. 167 Bags of Flour. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 17712. Sample No. 23074-H.)

LIBEL FILED: October 9, 1945, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about August 22, 1945, from Oklahoma City, Okla.

PRODUCT: 167 25-pound bags of flour at Little Rock, Ark., in the possession of the Merchants Wholesale Grocery Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent excreta, rodent hairs, and larvae.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution to be used as stock feed.

10216. Adulteration of flour. U. S. v. 120 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 17684. Sample No. 30723-H.)

LIBEL FILED: September 27, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about June 28 and July 11, 1945, from Pendleton, Oreg.

PRODUCT: 120 100-pound bags of flour at Chico, Calif., in the possession of the Log Cabin Baking Co. The product was stored under insanitary conditions after shipment. The bakery was heavily infested with beetles and larvae, and examination showed that the product contained larvae.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10217. Adulteration of flour. U. S. v. 101 Bags and 127 Bags of Flour. Default decree of condemnation. Product ordered released to a public institution. (F. D. C. No. 17746. Sample Nos. 23072-H, 23073-H.)

LIBEL FILED: October 9, 1945, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about May 12, 1945, from Blackwell, Okla.

PRODUCT: 228 25-pound bags of flour at Little Rock, Ark., in the possession of the Geyer and Adams Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered released to a public institution for conversion into stock feed.

10218. Adulteration of flour. U. S. v. 90 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17204. Sample No. 470-H.)

LIBEL FILED: August 25, 1945, Middle District of Georgia; libel amended August 27, 1945.

ALLEGED SHIPMENT: On or about July 20, 1945, by Giessing Flour Mills, from Farmington, Mo.

PRODUCT: 90 140-pound bags of flour at Macon, Ga.

LABEL, IN PART: "Top Magic Rose Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 31, 1945. The Macon Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

10219. Adulteration of flour. U. S. v. 48 Bags of Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 17890. Sample No. 19279-H.)

LIBEL FILED: October 11, 1945, Northern District of Iowa.

ALLEGED SHIPMENT: On or about July 10, 1945, by the Midland Flour Milling Co., from North Kansas City, Mo.

PRODUCT: 48 50-pound bags of flour at Dubuque, Iowa.

LABEL, IN PART: "Town Crier Enriched Family Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and weevils.

DISPOSITION: November 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured and used as animal feed.

10220. Adulteration of flour, rice, and green split peas. U. S. v. 19 Bags of Flour and 59 Bags of Rice (and 2 other seizure actions against rice and green split peas). Consent decree of condemnation. Products ordered released under bond. (F. D. C. Nos. 16643, 17567, 17569. Sample Nos. 11262-H, 11265-H, 12423-H, 12424-H.)

LIBELS FILED: June 25 and September 17, 1945, District of Massachusetts.

ALLEGED SHIPMENT: Between the approximate dates of August 29 and December 29, 1944, from Minneapolis, Minn., Houston, Tex., Spokane, Wash., and Stuttgart, Ark.

PRODUCT: 19 bags of flour, 180 bags of rice, and 40 bags of green split peas, each bag containing 100 pounds, at Boston, Mass., in the possession of the C. Pappas Co., Inc. The products were stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the flour contained rodent pellets; that the split peas contained rodent hairs and urine; and that the rice was contaminated with urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 12, 1946. The C. Pappas Co., Inc., claimant, having consented to the entry of a decree, and the cases having been consolidated, judgment of condemnation was entered and the products were ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

10221. Adulteration of plain flour, rye flour, whole wheat flour, pastry flour, and self-rising flour. U. S. v. 50 Bags of Plain Flour (and 7 other seizure actions against plain flour, rye flour, whole wheat flour, self-rising flour, and pastry flour). Decrees of condemnation. Two lots ordered destroyed; remaining lots ordered released under bond to be used for animal feed or industrial purposes. (F. D. C. Nos. 16273, 17055, 17168, 17217, 17400, 17749, 17989, 18368. Sample Nos. 950-H, 1215-H, 10711-H, 13458-H, 13750-H, 13751-H, 13757-H, 13758-H, 13986-H, 13999-H.)

LIBELS FILED: Between August 23, 1945, and November 9, 1945, Northern and Southern Districts of Ohio, Western District of Kentucky, Western District of New York, Middle District of Georgia, and Southern District of Florida.

ALLEGED SHIPMENT: Between the approximate dates of December 1, 1944, and August 3, 1945, by General Mills, Inc., from Minneapolis, Minn., Chicago, Ill., Johnson City, Tenn., and Spokane, Wash.

PRODUCT: 50 sacks of plain flour at Sidney, Ohio; 31 sacks of plain flour at Evansville, Ind.; 18 sacks of rye flour and 18 sacks of whole wheat flour at Canton, Ohio; 12 sacks of rye flour at Louisville, Ky.; 41 sacks of plain flour at Cleveland, Ohio; 135 sacks of pastry flour at Corning, N. Y.; 148 sacks of cake flour at Miami, Fla.; and 430 sacks of self-rising flour at Thomaston, Ga. All lots of the flour consisted of 100-pound sacks except the Georgia lot which consisted of 50-, 25-, and 10-pound sacks.

LABEL, IN PART: "Golden Shield," "Sperry Bleached Flour * * * Pacific Cake," "Washburn Crosby Golden Medal Flour," "Hoffmuller Rye Dark," "Red Star Enriched Self-Rising Flour," or "Hi Protein Type Gold Medal Whole Wheat Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of urine in the Sidney lot, and beetles, larvae, insect fragments, and weevils in the remaining lots.

DISPOSITION: Between October 4, 1945, and February 28, 1946. Sexauer, Inc., claimant for the Sidney lot, the Merchants Grocery Co., claimant for the Cleveland lot, the Corning Baking Co., Inc., claimant for the Corning lot, the Thomaston Wholesale Co., claimant for the Thomaston lot, and the Florida Wholesale Grocery Co., claimant for the Miami lot, having consented to the entry of respective decrees, judgments of condemnation were entered and the products were ordered released under bond to be used for animal feed or industrial purposes, under the supervision of the Food and Drug Administration. No claimant having appeared for the remaining lots, judgments of condemnation were entered and the products were ordered destroyed or used for animal feed.

10222. Adulteration of pancake flour and corn meal. U. S. v. 249 Bales of Pancake Flour and 23 Bales of Corn Meal. Consent decrees of condemnation. Products ordered released under bond. (F. D. C. Nos. 17535, 17536. Sample Nos. 21580-H, 21582-H.)

LIBELS FILED: February 25, 1946, District of Nebraska.

ALLEGED SHIPMENT: On or about January 14 and 24, 1946, by the Doud Milling Co., from Denison, Iowa.

PRODUCT: 249 bales, each containing 12 3½-pound bags, of pancake flour and 23 bales, each containing 10 5-pound bags, of corn meal at Omaha, Nebr.

LABEL, IN PART: "Enriched Fidelity Whole Wheat Self-Rising Pancake Flour," or "Fidelity Yellow Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent excreta.

DISPOSITION: April 3 and July 11, 1946. The Doud Milling Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond to be used in the manufacture of livestock feed, under the supervision of the Food and Drug Administration.

10223. Adulteration of pastry flour, whole wheat flour, rye flour, plain flour, and wheat bran. U. S. v. 28 Bags of Cake Flour (and 7 other seizure actions against whole wheat flour, rye flour, plain flour, and wheat bran). Decrees of condemnation. Portion of products ordered released under bond; remainder ordered destroyed or disposed of for hog feed. (F. D. C. Nos. 17046, 17149, 17635, 17678, 17991, 18574, 18675, 21114. Sample Nos. 962-H, 7726-H, 12213-H, 13773-H, 14543-H, 14544-H, 19386-H, 24711-H, 24712-H.)

LIBELS FILED: Between August 13, 1945, and September 28, 1946, Northern and Southern Districts of Florida, District of Connecticut, Southern District of Indiana, Northern District of Ohio, District of Vermont, and Northern District of Iowa.

ALLEGED SHIPMENT: Between the approximate dates of April 11, 1945, and October 22, 1945, by the Pillsbury Flour Mills, from Memphis, Tenn., Buffalo, N. Y., Springfield, Ill., and Atchison, Kans.

PRODUCT: 28 100-pound bags of cake flour, 134 100-pound bags of whole wheat flour, 10 100-pound bags of rye flour, 113 100-pound bags of plain flour, and 25 cases, each containing 12 1¼-pound packages, of wheat bran at Pensacola and Fort Pierce, Fla., Bridgeport, Conn., Evansville, Ind., Cleveland, Ohio, Bellows Falls, Vt., and Cedar Falls, Iowa.

LABEL, IN PART: "Pillsbury's A. A. Cake Flour," "Pillsbury's Protector Flour," "Pillsbury's Best Bakers Patent Flour," "Pillsbury's King Strength Whole Wheat Flour," "Pillsbury's Artex Dark Rye Flour," "Pillsbury's Best XXXX-Enriched Flour," "Globe 'A 1' Softo Flour," "Pillsbury's Fine Ground Whole Wheat Flour," or "Pillsbury's Wheat Bran."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of weevils, larvae, beetles, webbing, cast skins, insect excreta, and live insects.

DISPOSITION: Between September 26, 1945, and October 22, 1946, the Pillsbury Flour Mills, and Diamond Brothers, Cedar Falls, Iowa, claimants for the Fort Pierce and Cedar Falls lots, respectively, having consented to the entry of decrees, and no claimants having appeared for the other lots, judgments of condemnation were entered. It was ordered that the Fort Pierce and Cedar Falls lots be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency; that the Pensacola, Bridgeport, and Bellows Falls lots be delivered to public institutions for use as animal feed; and that the remaining lots be destroyed.

10224. Adulteration of phosphated flour, self-rising flour, and corn meal. U. S. v. 115 Bags of Phosphated Flour and 55 Bags of Self-Rising Flour (and 1 other seizure action against self-rising flour and corn meal). Decrees ordering products denatured and converted into animal feed. (F. D. C. Nos. 17717, 17732. Sample Nos. 13674-H, 13676-H to 13678-H, inclusive.)

LIBELS FILED: October 3 and 4, 1945, Eastern District of Tennessee.

ALLEGED SHIPMENT: Between the approximate dates of March 29 and August 2, 1945, by Lexington Roller Mills, Inc., from Lexington, Ky.

PRODUCT: 115 25-pound bags of phosphated flour, 65 25-pound bags of self-rising flour, and 14 10-pound bags of corn meal at Sweetwater, Tenn. Examination showed that the articles contained beetles, larvae, insect fragments, rodent excreta, rodent hairs, and rodent hair fragments.

LABEL, IN PART: "Kentucky Queen * * * Flour," or "Kentucky Hoe Cake Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3).

DISPOSITION: December 3, 1945. O. K. Jones and Co., Inc., Sweetwater, Tenn., having appeared as claimant, judgments were entered ordering that the products be released under bond to be denatured and converted into animal feed, under the supervision of the Food and Drug Administration.

10225. Adulteration of phosphated flour. U. S. v. 61 Bags of Phosphated Flour. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 17913. Sample No. 35662-H.)

LIBEL FILED: October 10, 1945, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about July 10, 1945, by the Wolff Milling Co., from New Haven, Mo.

PRODUCT: 61 50-pound bags of phosphated enriched flour at Conway, Ark.

LABEL, IN PART: "Wolff's Forethought Enriched Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole and in part of a filthy substance by reason of the presence of larvae and beetles.

DISPOSITION: December 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

10226. Adulteration of rye graham flour. U. S. v. Ben Katz (Ben Katz, Etra Mills). Plea of guilty. Defendant fined \$500 and placed on probation for 5 years. (F. D. C. No. 16519. Sample Nos. 83089-F, 93864-F, 93865-F.)

INFORMATION FILED: August 20, 1945, District of New Jersey, against Ben Katz, trading as Ben Katz, Etra Mills, at Hightstown, N. J.

ALLEGED SHIPMENT: On or about October 26 and December 22, 1944, from the State of New Jersey into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, insect fragments, rodent excreta fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 18, 1946. A plea of guilty having been entered, the court imposed a fine of \$500 and placed the defendant on probation for a period of 5 years.

10227. Adulteration of rye flour. U. S. v. 25 Bags of Rye Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17756. Sample No. 14556-H.)

LIBEL FILED: October 8, 1945, Western District of Kentucky.

ALLEGED SHIPMENT: On or about July 30, 1945, by the General Baking Co., from Toledo, Ohio.

PRODUCT: 25 100-pound bags of rye flour at Louisville, Ky.

LABEL, IN PART: "Gold Coin Medium Pure Rye Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect fragments.

DISPOSITION: November 5, 1945. The General Baking Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.

10228. Adulteration of whole wheat flour, cracked wheat flour, rye flour, and rye-meal. U. S. v. 16 Bags of Whole Wheat Flour and 10 Bags of Rye Meal (and 1 other seizure action against cracked wheat flour and rye flour). Decrees of condemnation. Portions ordered released under bond; remainder ordered delivered to a charitable institution, for use as animal feed. (F. D. C. Nos. 17201, 17893. Sample Nos. 13984-H, 13985-H, 23082-H, 23083-H.)

LIBELS FILED: August 23 and October 10, 1945, Western District of Kentucky.

ALLEGED SHIPMENT: Between the approximate dates of May 16 and July 24, 1945, by the Bay State Milling Co., from Winona, Minn.

PRODUCT: 10 100-pound bags of rye meal and 16 100-pound bags of whole wheat flour at Louisville, Ky., and 14 100-pound bags of cracked wheat flour and 13 100-pound bags of rye flour at Paducah, Ky.

LABEL, IN PART: "Wingold Rye Meal [or "Whole Wheat Flour," or "Pure Dark Rye Flour"]," or "Cracked Wheat Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of weevils, larvae, and beetles.

DISPOSITION: On January 3, 1946, Kirchhoff's Bakery, Paducah, Ky., claimant for the Paducah lots, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration. On February 20, 1946, no claimant having appeared for the Louisville lots, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for use as animal feed.

10229. Adulteration of self-rising flour. U. S. v. 426 Bags of Self-Rising Flour. Default decree of condemnation and destruction. (F. D. C. No. 17236. Sample No. 24079-H.)

LIBEL FILED: On or about September 10, 1945, Northern District of Mississippi.

ALLEGED SHIPMENT: On or about April 3, 1945, by Ballard and Ballard Co., Inc., from Louisville, Ky.

PRODUCT: 426 25-pound bags of self-rising flour at Clarksdale, Miss.

LABEL, IN PART: "Ballard's Self-Rising Obelisk Enriched Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: November 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10230. Adulteration of self-rising flour. U. S. v. 168 Bags of Self-Rising Flour. Default decree of condemnation and destruction. (F. D. C. No. 17592. Sample No. 689-H.)

LIBEL FILED: September 25, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about June 4, 1945, by the Blair Milling Co., from Atchison, Kans.

PRODUCT: 56 25-pound bags and 112 10-pound bags of self-rising flour at Atlanta, Ga.

LABEL, IN PART: "Bleached Blair's Best Flour * * * Self-Rising."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: November 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. The flour was delivered to a public institution for use as animal feed.

10231. Adulteration of soybean flour. U. S. v. 115 Bags of Soybean Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17676. Sample No. 23786-H.)

LIBEL FILED: September 27, 1945, Southern District of Texas.

ALLEGED SHIPMENT: On or about June 8, 1945, from Pana, Ill.

PRODUCT: 115 100-pound bags of soybean flour at Houston, Tex., in possession of the Houston Terminal Warehouse and Cold Storage Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and examination showed that the product contained beetles, larvae, and insect fragments.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 24, 1945. Shellabarger Soybean Mills, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as stock feed, under the supervision of the Food and Drug Administration.

10232. Adulteration of Soyflake flour. U. S. v. 425 Bags of Soyflake Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 17730. Sample No. 23509-H.)

LIBEL FILED: October 3, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 14, 1945, by Spencer Kellogg and Sons, Inc., from Decatur, Ill.

PRODUCT: 425 100-pound bags of Soyflake flour at St. Louis, Mo.

LABEL, IN PART: "Kelloggs Soyflake Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of moths, larvae, and insect fragments.

DISPOSITION: November 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured as directed by the Federal Security Agency, so that it could not be used for human consumption.

10233. Adulteration of whole wheat flour. U. S. v. 20 Bags of Whole Wheat Flour. Default decree of forfeiture and destruction. (F. D. C. No. 17677. Sample No. 14545-H.)

LIBEL FILED: September 29, 1945, Southern District of Indiana.

ALLEGED SHIPMENT: On or about August 31, 1945, from Chicago, Ill.

PRODUCT: 20 100-pound bags of whole wheat flour at Evansville, Ind., in possession of the Hartford Baking Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent excreta and beetles.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 403 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 5, 1945. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

10234. Adulteration and misbranding of enriched flour. U. S. v. 185 Bales of Enriched Flour. Default decree ordering product delivered to a charitable institution. (F. D. C. No. 17441. Sample No. 21356-H.)

LIBEL FILED: On or about September 25, 1945, Western District of Missouri.

ALLEGED SHIPMENT: On or about August 1, 1945, by American Flours, Inc., from Newton, Kans.

PRODUCT: 185 bales, each containing 10 5-pound bags, of flour at Kansas City, Mo.

LABEL, IN PART: "Enriched Kitchen Craft Finest Grade Enriched Bleached Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from the product.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched flour, since the definition and standard requires that enriched flour shall contain in each pound not less than 2.0 milligrams of thiamine (vitamin B₁), and the product contained approximately 1.5 milligrams of thiamine per pound.

DISPOSITION: February 4, 1946. No claimant having appeared, judgment was entered ordering the product delivered to a charitable institution in lieu of destruction.

10235. Adulteration and misbranding of enriched phosphated flour. U. S. v. 104 Bags of Enriched Phosphated Flour. Default decree of condemnation. Product ordered sold to the highest bidder, to be denatured for use other than human consumption. (F. D. C. No. 17664. Sample No. 23470-H.)

LIBEL FILED: September 25, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 27 and August 14, 1945, by the Weber Flour Mills Co., from Lincoln, Nebr., and Salina, Kans.

PRODUCT: 104 25-pound bags of enriched phosphated flour at St. Louis, Mo.

LABEL, IN PART: "Enriched Phosphated Tea Table Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from the product.

Misbranding, Section 403 (g) (1), the product failed to conform to the standard for enriched flour, since the standard requires that enriched flour shall contain in each pound not less than 2.0 milligrams of thiamine (vitamin B₁), and the article contained approximately 1.37 milligrams of thiamine per pound.

DISPOSITION: October 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder, to be denatured for use other than human consumption, under the supervision of the Food and Drug Administration.

10236. Adulteration and misbranding of enriched phosphated flour. U. S. v. 91 Bags of Enriched Phosphated Flour. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 17665. Sample No. 23274-H.)

LIBEL FILED: September 25, 1945, Eastern District of Texas.

ALLEGED SHIPMENT: On or about August 10, 1945, by the Monarch Milling Co., from Clinton, Mo.

PRODUCT: 91 50-pound bags of enriched phosphated flour at Texarkana, Tex.

LABEL, IN PART: "Bleached Enriched Flake White Flour * * * Phosphated."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since the definition and standard requires that enriched flour shall contain not less than 2.0 milligrams of thiamine per pound, whereas the product contained approximately 1.54 milligrams of thiamine per pound.

DISPOSITION: December 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, to be used as stock feed.

MACARONI AND NOODLE PRODUCTS

10237. Action to enjoin and restrain the interstate shipment of macaroni products. U. S. v. Cardinale Macaroni Manufacturing Co., Inc., Andrew Cardinale, Dominick Cardinale, Joseph Cardinale, Vincent Cuonzo, Ignazio Maggio, John Piras, and Joseph Genovese. Injunction granted. (Inj. No. 106.)

COMPLAINT FILED: July 19, 1945, Eastern District of New York, against the Cardinale Macaroni Manufacturing Co., Inc., Brooklyn, N. Y., and its above-mentioned officers. The complaint charged that since on or before May 14, 1945, the defendants and their agents and employees had been introducing and delivering for introduction into interstate commerce macaroni products that were adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been prepared, packed, or held under insanitary conditions whereby they may have become contaminated with filth.

PRAYER OF COMPLAINT: That the defendants be restrained and enjoined permanently from shipping in interstate commerce any adulterated or misbranded articles of food.

DISPOSITION: On July 19, 1945, the defendants were ordered to show cause why a preliminary injunction should not issue. On August 17, 1945, the Government's motion for a preliminary injunction was argued and granted by the court. On June 28, 1946, the defendants, the Cardinale Macaroni Manufacturing Co., Inc., and Andrew Cardinale, having consented to the entry of a final decree of injunction, the court granted a permanent injunction restraining the Cardinale Macaroni Manufacturing Co., Inc., its representatives, and Andrew Cardinale from shipping in interstate commerce any adulterated or misbranded articles of food which were infested or contaminated in whole or in part with insect filth, rodent filth, or animal filth.

10238. Adulteration of macaroni and noodle products. U. S. v. Indiana Macaroni Co. and John R. Rezzolla, Sr. Pleas of nolo contendere. Individual defendant fined \$100; partnership defendant fined \$1,400 and costs. (F. D. C. No. 16625. Sample Nos. 3086-H, 3089-H, 3092-H, 3453-H, 10494-H, 10505-H, 10506-H.)

INFORMATION FILED: December 28, 1945, Western District of Pennsylvania, against the Indiana Macaroni Co., a partnership, Indiana, Pa., and John R. Rezzolla, Sr., a partner.

ALLEGED SHIPMENT: Between the approximate dates of March 21 and May 1, 1945, from the State of Pennsylvania into the District of Columbia and the States of Maryland and Ohio.

LABEL, IN PART: (Portions) "Maccaroncell [or "Alfabeti"] Approvata * * * Packed For M. E. Horton, Inc. * * * Washington, D. C.," or "Indiana Brand Sea Shell" [or "Pure Egg Noodles"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 9, 1946. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a fine of \$100 against the individual defendant. The partnership was fined \$200 on each of the 7 counts, plus costs.

10239. Adulteration of macaroni and noodle products. U. S. v. 36 Cartons of Macaroni, 48 Cartons of Spaghetti, and 11 Cases of Egg Noodles. Default decrees of condemnation. Products ordered delivered to a public institution. (F. D. C. Nos. 17686, 17976. Sample Nos. 14799-H, 14800-H, 16125-H.)

LIBELS FILED: October 1 and 13, 1945, Eastern and Western Districts of Michigan.

ALLEGED SHIPMENT: On or about July 24 and August 9, 1945, by J. Coffaro and Sons, from Chicago, Ill.

PRODUCT: 36 20-pound cartons of elbow macaroni and 48 20-pound cartons of elbow spaghetti at Flint, Mich., and 11 10-pound cases of egg noodles at Grand Rapids, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent excreta, insect fragments, rodent hairs, and fragments resembling rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 16 and December 22, 1945. No claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to a public institution, for use as stock feed.

10240. Adulteration of noodle soup mix. U. S. v. 55 Cases of Noodle Soup Mix. Default decree of condemnation and destruction. (F. D. C. No. 16890. Sample Nos. 28850-H, 28858-H.)

LIBEL FILED: January 23, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about August 14, 1943, from Los Angeles, Calif.

PRODUCT: 55 cases, each containing 4 12-envelope cartons, of noodle soup mix at Seattle, Wash., in possession of the Grocers Wholesale Co. The product was stored under insanitary conditions after shipment. Some of the cartons and envelopes had been gnawed by rodents, and rodent excreta was observed on and in the cartons. Examination showed that the product contained rodent excreta pellets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

10241. Adulteration of buckwheat. U. S. v. 250 Bags of Buckwheat. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17216. Sample No. 13748-H.)

LIBEL FILED: On or about September 10, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 18, 1945, from Janesville, Wis.

PRODUCT: 250 100-pound bags of buckwheat at Cleveland, Ohio, in possession of Basic Food Materials, Inc. The product was stored under insanitary conditions after shipment. The premises were heavily rodent- and insect-infested, and examination showed that the product contained weevils, larvae, and insect fragments.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 1, 1945. Basic Food Materials, Inc., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured for use as chicken feed, under the supervision of the Food and Drug Administration.

10242. Adulteration of corn bread mix. U. S. v. 47 Cases of Corn Bread Mix. Default decree of condemnation and destruction. (F. D. C. No. 17189. Sample No. 28766-H.)

LIBEL FILED: August 27, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about July 14, 1945, by Red-EE Foods, Inc., from Los Angeles, Calif.

PRODUCT: 47 cases, each containing 24 1-pound packages, of corn bread mix at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10243. Adulteration of popcorn. U. S. v. 1,125 Cases of Popcorn (and 2 other seizure actions against popcorn). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 17938, 18020, 18021. Sample Nos. 36432-H, 36434-H, 36436-H.)

LIBELS FILED: October 17 and 23, 1945, District of Oregon.

ALLEGED SHIPMENT: Between the approximate dates of May 15 and June 13, 1945, by the Morris Rosenberg Co., from Los Angeles, Calif.

PRODUCT: 1,218 cases, each containing 24 10-ounce bags, of popcorn at Portland, Oreg.

LABEL, IN PART: "Rose Brand Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, weevils, and larvae.

DISPOSITION: November 16, 1945. Morris Rosenberg, claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be disposed of only in compliance with the law, under the supervision of the Food and Drug Administration.

10244. Adulteration of popcorn. U. S. v. 40 Cases of Popcorn (and 2 other seizure actions against popcorn). Default decrees of condemnation. Portion of product ordered destroyed; remainder ordered delivered to public institutions. (F. D. C. Nos. 17316, 18375-A, 18515. Sample Nos. 28993-H, 31154-H, 36479-H.)

LIBELS FILED: August 25, November 27, and December 10, 1945, District of Arizona and Eastern and Western Districts of Washington.

*See also Nos. 10220, 10223.

ALLEGED SHIPMENT: On or about April 9 and May 22 and 28, 1945, by the Morris Rosenberg Co., from Los Angeles, Calif.

PRODUCT: Popcorn. 40 cases at Phoenix, Ariz., 75 cases at Wenatchee, Wash., and 15 cases at Seattle, Wash., each case containing 24 10-ounce packages of the product.

LABEL, IN PART: "Rose Brand Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, beetles, larvae, insect fragments, and insect excreta.

DISPOSITION: November 13, 1945, and January 9 and April 4, 1946. No claimant having appeared, judgments of condemnation were entered and it was ordered that the Wenatchee lot be destroyed; that the Seattle lot be delivered to a Federal penitentiary; and that the Phoenix lot be delivered to a Federal school, for use as poultry feed.

10245. Adulteration of popcorn. U. S. v. 222 Bags of Popcorn. Default decree of condemnation. Product ordered sold. (F. D. C. No. 17680. Sample No. 21905-H.)

LIBEL FILED: October 2, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: Between the approximate dates of October 29 and December 29, 1944, by the Taylor Seed Co., from Murray, Ky.

PRODUCT: 222 100-pound bags of popcorn at Memphis, Tenn.

LABEL, IN PART: (Portion of bags) "High Quality South American Pop-Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: December 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured, under the supervision of the Federal Security Agency, and disposed of for purposes other than human consumption.

10246. Adulteration of popcorn. U. S. v. 71 Bags of Popcorn. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16411. Sample No. 13272-H.)

LIBEL FILED: June 8, 1945, Southern District of Indiana.

ALLEGED SHIPMENT: On or about December 21, 1944, from Trenton, Ky.

PRODUCT: 71 100-pound bags of popcorn at Indianapolis, Ind., in possession of the Henry Coburn Storage and Warehouse Co. The product was stored under insanitary conditions after shipment. Rodent excreta and urine stains were observed on the bags, and examination showed that the product contained rodent hair fragments and urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 18, 1945. The Karmelkorn Shop, Indianapolis, Ind., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that all filth be completely removed under the supervision of the Federal Security Agency.

10247. Adulteration of popcorn. U. S. v. 30 Bags of Popcorn. Default decree of condemnation. Product ordered sold to be denatured. (F. D. C. No. 17721. Sample No. 35105-H.)

LIBEL FILED: October 3, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 18, 1945, by Nebraska Candy Concessions, Inc., from Missouri Valley, Iowa.

PRODUCT: 30 100-pound bags of popcorn at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta pellets.

DISPOSITION: November 7, 1945. No claimant having appeared, judgment of condemnation was entered, and the product was ordered sold to the highest bidder, conditioned that it be denatured so that it could not be disposed of for human consumption.

10248. Adulteration of popcorn. U. S. v. 26 Bags of Popcorn. Default decree of condemnation. Product ordered delivered to a county officer, to be disposed of for animal feed. (F. D. C. No. 17675. Sample No. 23787-H.)

LIBEL FILED: September 27, 1945, Southern District of Texas.

ALLEGED SHIPMENT: On or about May 28, 1945, from Fort Smith, Ark.

PRODUCT: 26 100-pound bags of popcorn at Houston, Tex., in possession of the Houston Terminal Warehouse and Cold Storage Co. The product was stored under insanitary conditions after shipment. Rodent excreta and urine stains were observed on the bags, and examination showed that the product contained rodent excreta and rodent hairs.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a county officer, to be used for animal feed by county charitable institutions.

10249. Adulteration of granulated rice. U. S. v. 160 Bags of Granulated Rice. Decree of destruction. (F. D. C. No. 17493. Sample No. 14205-H.)

LIBEL FILED: September 19, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 7, 1945, by Champion Rice Mills of Tennessee, from Memphis, Tenn.

PRODUCT: 160 100-pound bags of granulated rice at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: September 25, 1945. The consignee having consented to the entry of a decree, judgment was entered ordering the product destroyed.

CANDY AND CHOCOLATE SIRUP*

10250. Adulteration of candy. U. S. v. Melba Sweets Co. and Fred Malzone. Pleas of guilty. Fred Malzone fined \$500 and placed on probation for 2 years. Partnership fined \$1,000; payment suspended. (F. D. C. No. 12539. Sample Nos. 66152-F to 66155-F, incl., 76207-F.)

INFORMATION FILED: August 14, 1944, District of New Jersey, against the Melba Sweets Co., a partnership, West New York, N. J., and Fred Malzone, a partner.

ALLEGED SHIPMENT: Between the approximate dates of January 31 and February 16, 1944, from the State of New Jersey into the State of New York.

LABEL, IN PART: "Melbits," or "Melba's Chocolate Peanut Bar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, insect fragments, human hair fragments, and cat hair fragments; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 1, 1944. Pleas of guilty were entered on behalf of both defendants. Fred Malzone was fined \$2,500 (\$500 on each of 5 counts) of which \$2,000 was suspended. In addition, he was sentenced to 3 months in jail, which sentence was suspended, and he was placed on probation for a period of 2 years. The partnership was fined \$1,000, but payment was suspended.

10251. Adulteration of candy, pretzels, and salted almonds. U. S. v. Howard W. Neal (Party Snax Food Products Co.). Plea of nolo contendere. Fine, \$750. (F. D. C. No. 16563. Sample Nos. 27518-F, 80882-F, 83896-F.)

INFORMATION FILED: September 21, 1945, Southern District of California, against Howard W. Neal, trading as the Party Snax Food Products Co., Los Angeles, Calif.

*See also No. 10329.

ALLEGED SHIPMENT: November 24 and December 7, 1944, and January 6, 1945, from the State of California into the States of Oregon and Washington.

LABEL, IN PART: "10¢ Candy 10¢," "10¢ Pretzels 10¢," or "New Crop California 10¢ Almonds 10¢."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments, rodent hair fragments, and a hair fragment resembling a rodent-type hair fragment; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 5, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$250 on each of 3 counts.

10252. Adulteration and misbranding of candy. U. S. v. Joe Franklin Myers (Joe Franklin Myers Industries). Plea of nolo contendere. Fine, \$100 on count 1; imposition of sentence withheld on count 2. (F. D. C. No. 14298. Sample No. 60938-F.)

INFORMATION FILED: On or about June 21, 1945, Northern District of Texas, against Joe Franklin Myers, trading as the Joe Franklin Myers Industries, Dallas, Tex.

ALLEGED SHIPMENT: On or about June 12, 1944, from the State of Texas into the State of Louisiana.

LABEL, IN PART: "Smile Sticks * * * net weight: 8 oz. or over."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, carotene (vitamin A), had been in whole or in part omitted or abstracted from the article, since it was represented to contain in each pound 800 or more U. S. P. Units of carotene, whereas it contained in each pound not more than 50 U. S. P. Units of carotene.

Misbranding, Section 403 (a), the statement in the labeling of the article, "800 or more U. S. P. units of carotene (vitamin A) * * * to each pound," was false and misleading; and the label statement "Ingredients: * * * Vitamins A" was false and misleading since it represented and created the impression that the article would supply the user with substantial amounts of vitamin A, whereas the article would not supply substantial amounts of vitamin A, since 8 ounces of the article would supply not more than 1 percent of the minimum adult daily requirement for vitamin A.

Further misbranding, Section 403 (e) (1), the label of the article bore no statement containing the name and place of business of the manufacturer, packer, or distributor. Section 403 (j), the article purported to be and was represented for special dietary uses by reason of its vitamin properties in respect to vitamin A, vitamin B₁ (thiamine), vitamin C (ascorbic acid), riboflavin (vitamin B₂ and vitamin G), niacin, and pantothenic acid, and by reason of its mineral properties in respect to calcium, phosphorus, and iron; and its label did not bear, as required by regulations, a statement of the proportion of the minimum daily requirement of vitamin A, vitamin B₁, vitamin C, riboflavin, calcium, phosphorus, and iron, and a statement of the quantity of niacin and pantothenic acid, which would be supplied by the article when consumed in an amount customarily or usually consumed during a period of one day, or a quantity reasonably suitable for and practicable for consumption in such period.

DISPOSITION: June 21, 1945. A plea of nolo contendere having been entered, the court imposed a fine of \$100 on count 1 of the information charging adulteration and withheld the imposition of sentence on count 2 charging misbranding.

10253. Adulteration of candy. U. S. v. The Mackenzie Candy Co. Plea of guilty. Fine, \$4,000. (F. D. C. No. 16624. Sample Nos. 10547-H, 12818-H, 12819-H, 14698-H, 17649-H.)

INFORMATION FILED: December 29, 1945. Northern District of Ohio, against the Mackenzie Candy Co., a corporation, Cleveland, Ohio.

ALLEGED SHIPMENT: Between the approximate dates of July 2 and 19, 1945, from the State of Ohio into the States of Pennsylvania, Indiana, and Michigan.

LABEL, IN PART: "Mackenzie's Old Hickory Fudge," or "Mackenzie's Nut-Mac Chocolate Covered Nut Fudge."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, a larva, rodent hair fragments, and hairs resembling those of a rodent; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 31, 1946. A plea of guilty having been entered, the defendant was fined \$4,000.

10254. Adulteration of candy. U. S. v. Gurley Chocolate Co. Plea of guilty. Fine, \$50 on first count. Imposition of sentence suspended on remaining count, and defendant placed on probation for 1½ years. (F. D. C. No. 17795. Sample Nos. 18342-H, 18343-H.)

INFORMATION FILED: January 14, 1946, against the Gurley Chocolate Co., a partnership, Minneapolis, Minn.; order amending information filed February 11, 1946.

ALLEGED SHIPMENT: On or about February 5, 1945, from the State of Minnesota into the State of South Dakota.

LABEL, IN PART: "Casablanca Package," or "Royal Chocolates."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, wood fibers, and (in one of the shipments) a small piece of a rock-like material; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On February 11, 1946, a plea of guilty having been entered, a fine of \$50 was imposed on the first count. Imposition of sentence was suspended on the remaining count, and the defendant was placed on probation for 1½ years.

10255. Adulteration of candy. U. S. v. 200 Boxes of Candy. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17751. Sample No. 35104-H.)

LIBEL FILED: October 4, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 25, 1945, by the Caracanda Brothers Co., from Tampa, Fla.

PRODUCT: 200 90-pound boxes of hard candy at St. Louis, Mo.

LABEL, IN PART: "Hard Candies Diamond * * * Product of Cuba."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of cockroach pellets and nondescript dirt.

DISPOSITION: October 25, 1945. The Hochman Sales and Surplus Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it should not be sold or disposed of in violation of the law.

10256. Adulteration of coconut parfait, maple creams, and caramels. U. S. v. 45 Cartons and 14 Cartons of Fresh Coconut Parfait, 49 Boxes of Maple Creams, and 19 Boxes of Caramels. Default decrees of destruction. (F. D. C. Nos. 17446, 18354, 18388. Sample Nos. 3530-H, 12501-H, 12502-H, 13820-H.)

LIBELS FILED: September 13 and November 13 and 15, 1945, Southern District of Indiana and Districts of Maine and Maryland.

ALLEGED SHIPMENT: July 12 and 13 and October 3, 1945, by the Bluebird Candy Co., from Lawrence, Mass.

PRODUCT: 45 30-pound cartons of fresh coconut parfait at Anderson, Ind., and 14 30-pound cartons of the same article at Frederick, Md; and 49 5-pound boxes of maple creams and 19 5-pound boxes of caramels at Auburn, Maine.

The coconut parfait was moldy, and a portion was also rancid. The maple creams and caramels were rancid and contained larvae and rodent hair fragments.

LABEL, IN PART: "Product of Cuba Fresh Coconut Parfait," "Maple Creams," or "Caramels."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the coconut parfait consisted in whole or in part of a decomposed substance, and the maple creams and caramels, of filthy and decomposed substances.

DISPOSITION: November 5 and December 29, 1945, and January 3, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

10257. Adulteration of candy. U. S. v. 45 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 17750. Sample No. 35103-H.)

LIBEL FILED: October 4, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 6, 1945, by the Carol Lynn Products Co., from Chicago, Ill.

PRODUCT: 45 30-pound, or 42-pound, boxes of candy at St. Louis, Mo.

LABEL, IN PART: "Product of Cuba * * * Hav-A-Candy," or "Product of Cuba Hard Candies Royal Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of cockroach pellets and nondescript dirt.

DISPOSITION: November 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10258. Adulteration of candy. U. S. v. 23 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 17935. Sample No. 14425-H.)

LIBEL FILED: October 15, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 17, 1945, by the Kar Nut Products Co., from Detroit, Mich.

PRODUCT: 23 46-pound cases of candy at Cleveland, Ohio.

LABEL, IN PART: "Rhumba Balls."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of moths, larvae, and insect fragments.

DISPOSITION: November 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10259. Adulteration of chocolate-flavored sirup. U. S. v. 44 Cases of Chocolate Flavored Syrup (and 3 other seizure actions against chocolate flavored sirup). Default decrees of condemnation and destruction. (F. D. C. Nos. 17538, 19145, 19146, 19305. Sample Nos. 14477-H, 38938-H, 50672-H, 51021-H.)

LIBELS FILED: February 16, 19, and 27 and March 12, 1946, Eastern District of Wisconsin, Northern District of Iowa, District of Minnesota, and Northern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of October 26, 1945, and January 5, 1946, by the National Cereal Products Co., from Chicago, Ill.

PRODUCT: Chocolate-flavored sirup. 44 cases at Racine, Wis.; 27 cases at Waterloo, Iowa; 46 jars at New Ulm, Minn.; and 28 cases at Toledo, Ohio. Each case contained 24 1-pound jars.

LABEL, IN PART: "National Brand Homogenized Chocolate Flavored Syrup," or "Del Haven Brand Chocolate Flavored Syrup * * * Packed for Federated Foods, Inc. Chicago Ill. San Francisco Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could be avoided by good manufacturing practice.

DISPOSITION: March 18, April 23 and 30, and June 29, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10260. Adulteration of chocolate sirup. U. S. v. 21 Cases of Chocolate Syrup. Default decree of condemnation and destruction. (F. D. C. No. 17700. Sample No. 10353-H.)

LIBEL FILED: On or about September 28, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 1, 1945, by Alexander The Great Beverages, from New York, N. Y.

PRODUCT: 21 cases, each containing 24 1-pound jars, of chocolate sirup at McKees Rocks, Pa. Examination showed that the product was moldy.

LABEL, IN PART: "Alexander The Great Chocolate Flavored Syrup".

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 19, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that was adulterated in that it consisted in whole or in part of a filthy or decomposed substance, or both, Nos. 10264 to 10266; that was below the standard for milk fat content, Nos. 10261 to 10265; and that was short of the declared weight, Nos. 10264 and 10267.

10261. Adulteration of butter. U. S. v. Oliver Gordon Harp (O. G. Harp Poultry & Egg Co.). Pleas of nolo contendere to certain counts and not guilty to remaining counts. Tried to the court. Defendant found guilty on all but 1 count. Fine, \$150. (F. D. C. No. 17845. Sample Nos. 90178-F, 90179-F, 90181-F, 5698-H to 5700-H, incl., 7048-H, 7060-H, 7061-H, 7074-H.)

INFORMATION FILED: April 17, 1946, Western District of Oklahoma, against Oliver Gordon Harp, trading as the O. G. Harp Poultry & Egg Co., Shawnee, Okla.

ALLEGED SHIPMENT: On or about July 26 and August 14 and 16, 1944, from Oklahoma to Arkansas; and on or about Feb. 1, 8, and 17 and March 3, 1945, from Oklahoma to New York.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted or abstracted from the product; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 17, 1946. The defendant entered a plea of nolo contendere to the first 4 counts of the information and not guilty to the last 3 counts. The counts to which the defendant pleaded not guilty were tried to the court. The judgment of the court was that the defendant was guilty on all counts to which he had pleaded nolo contendere and on 2 of the counts to which he had pleaded not guilty. A fine of \$150 was imposed.

10262. Adulteration of butter. U. S. v. Arthur H. Dannheim and Donald A. Dannheim (New Ulm Dairy). Pleas of guilty. Fine, \$100. (F. D. C. No. 16621. Sample Nos. 5666-H, 7059-H, 18849-H.)

INFORMATION FILED: January 15, 1946, District of Minnesota, against Arthur H. Dannheim and Donald A. Dannheim, trading as the New Ulm Dairy, a partnership, New Ulm, Minn.

ALLEGED SHIPMENT: On or about February 17 and May 4, 1945, from the State of Minnesota into the State of New York.

LABEL, IN PART: "Butter Distributed by F. F. Lowenfels & Son New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 15, 1946. A plea of guilty having been entered, a single general fine of \$100 was imposed against both of the defendants and the partnership.

10263. Adulteration of butter. U. S. v. Schlosser Brothers, Inc. Plea of guilty. Fine, \$300. (F. D. C. No. 16585. Sample Nos. 68023-F, 20119-H, 20120-H, 27321-H, 27322-H.)

INFORMATION FILED: July 16, 1946, Southern District of Indiana, against Schlosser Brothers, Inc., Indianapolis, Ind.

ALLEGED SHIPMENT: On or about May 24, September 28, and October 10, 1944, from the State of Indiana into the States of Ohio and Missouri.

LABEL, IN PART: "Silverbrook Creamery Butter * * * The Great Atlantic & Pacific Tea Co. New York, N. Y., Packers," or "Creamery Butter Distributed by Schlosser Bros."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 16, 1946. A plea of guilty having been entered on behalf of the defendant, a fine of \$300 was imposed.

10264. Adulteration and misbranding of butter. U. S. v. 35 Cases of Butter (and 10 other seizure actions against butter). Decrees of condemnation. Portion of product ordered sold for salvage; remainder ordered released under bond. (F. D. C. Nos. 17365, 17383, 18310, 18315, 18451, 21060, 21063, 21064, 21074, 21077, 21270. Sample Nos. 1479-H, 1480-H, 14014-H, 14016-H, 22988-H, 23113-H, 24814-H, 42638-H, 49064-H, 49225-H, 49279-H, 53288-H, 53289-H.)

LIBELS FILED: Between the dates of July 28, 1945, and September 3, 1946, Western District of Tennessee, Eastern District of Missouri, Eastern District of Louisiana, Southern District of West Virginia, Eastern District of Kentucky, and the Northern District of Georgia.

ALLEGED SHIPMENT: Between the approximate dates of July 3, 1945, and August 19, 1946, by the Sugar Creek Creamery Co., from St. Louis, Mo., Evansville, Ill., Russellville, Ark., Louisville, Ky., and Knoxville, Tenn.

PRODUCT: Butter. 35 16-pound cartons at Memphis, Tenn.; 700 62-pound cartons at St. Louis, Mo.; 179 32-pound cartons at New Orleans, La.; 100½ 32-pound cartons at Huntington and Charleston, W. Va.; 23 32-pound cartons at Middlesboro, Ky.; and 4 32-pound cartons at Atlanta, Ga. Examination showed that the product contained mold. The butter in the 16-pound cartons was short-weight.

LABEL, IN PART: "Weona Farms Creamery Butter * * * One Pound Net. Packed for Weona Food Stores, Inc., Memphis, Tenn."; "Velva Brand Creamery Butter Distributed by H. G. Hill Stores, New Orleans, La."; "Country Roll [or "Clear Brook"] Creamery Butter * * * Distributor Wilson & Co. * * * Chicago, Ill."; and "Sugar Creek Butter," or "Cudahy's Sunlight Creamery Butter * * * The Cudahy Packing Co. Distributors * * * Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

Further adulteration, Section 402 (b) (2), (700 62-pound cartons) a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), (35 1-pound cartons) the label statement "One Pound Net" was false and misleading; and, Section 403 (e) (2), the product failed to bear an accurate label statement of the quantity of the contents.

DISPOSITION: Between the dates of August 13, 1945, and October 11, 1946. The Sugar Creek Creamery Co., Danville, Ill., having appeared as claimant for the product, with the exception of 1 lot, and having consented to the entry of decrees, and no claimant having appeared for the lot at Middlesboro, judgments of condemnation were entered. The butter for which claims had been entered was ordered released under bond, conditioned that it be converted into butter oil, under the supervision of the Federal Security Agency. The lot of butter at Middlesboro was ordered sold for salvage fat.

10265. Adulteration of butter. U. S. v. 30 Boxes (1,800 pounds) of Butter (and 3 other seizure actions against butter). Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 16682, 16683, 17069, 17070. Sample Nos. 20740-H to 20742-H, incl., 20744-H, 20748-H, 20751-H, 20752-H, 20757-H.)

LIBELS FILED: On or about May 29 and June 6 and 14, 1945, Western District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of April 24 and May 8, 1945, by the Dairy Products Marketing Association, from Enid and El Reno, Okla., and Denison, Tex.

PRODUCT: 158 60-pound boxes, 600 65-pound boxes, and 150 35-pound boxes of butter at Kansas City, Mo. Examination disclosed that a portion of the product contained mold and that the remainder was deficient in milk fat.

LABEL, IN PART: "Cloverbloom * * * Armour Creameries Distributors Gen'l Office Chicago, Ill.," "Creamery Butter The Peter Fox Sons Co. Distributors Chicago," or "Butter Denison Poultry & Egg Co. Denison Texas."

NATURE OF CHARGE: Portion of butter, adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed animal substance; and, remainder, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 11 and 23 and August 10, 1945. Armour & Co. having appeared as claimant for 2 of the lots, and the Peter Fox Sons Co. having appeared as claimant for the other lots, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the portion containing mold be converted into butter oil and that the remainder be brought into compliance with the law, under the supervision of the Food and Drug Administration.

10266. Adulteration of butter. U. S. v. 30 Cases of Butter (and 2 other seizure actions against butter). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 17364, 18304, 18317. Sample Nos. 12287-H, 14017-H, 22979-H.)

LIBELS FILED: July 19 and September 19 and 25, 1945, Western District of Tennessee, District of Massachusetts, and Southern District of West Virginia.

ALLEGED SHIPMENT: Between the approximate dates of July 2 and September 11, 1945, by Armour Creameries, from Louisville, Ky., Springfield, Mo., and Great Bend, Kans.

PRODUCT: 30 cases at Memphis, Tenn., 58 cases at Huntington, W. Va., and 171 cartons at Salem, Mass., each containing 32 pounds of butter. Examination showed that all of the lots contained mold. In addition to mold, the Salem lot contained insect parts, fly fragments, and rodent hairs, and the Memphis lot contained insects and feather fragments.

LABEL, IN PART: "Armour's Cloverbloom Butter," or "Springbrook Brand Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed animal substance.

DISPOSITION: August 20, October 26, and November 20, 1945. Armour & Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the Salem lot be used in the manufacture of soap and that the remaining lots be converted into refined butter oil, under the supervision of the Food and Drug Administration.

10267. Misbranding of butter. U. S. v. 70 cases (2,240 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17363. Sample No. 21884-H.)

LIBEL FILED: August 3, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about July 23, 1945, by the Sugar Creek Creamery Co., from St. Louis, Mo.

PRODUCT: 70 32-pound cases of butter at Memphis, Tenn. Analysis showed that the product was short-weight.

LABEL, IN PART: (Carton) "Cudahy's Sunlight Creamery Butter * * * Weight 1 Lb."

NATURE OF CHARGE: Misbranding, Sections 403 (a) and (e), the prints did not contain "One pound net," as labeled.

DISPOSITION: August 23, 1945. The Sugar Creek Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reprinting to the declared weight, under the supervision of the Federal Security Agency.

CHEESE

10268. Action to enjoin and restrain the interstate shipment of cheese and cheese products. U. S. v. H. Phillips Wescott (the Wescott Cheese Co. and the Wescott Cheese Factory). Injunction granted. (Inj. No. 118.)

COMPLAINT FILED: November 8, 1945, District of Vermont, against H. Phillips Wescott, trading as the Wescott Cheese Co. and the Wescott Cheese Factory, at East Poultney, Vt. The complaint charged that from on or about July 5, 1942, to the date upon which the complaint was filed, the defendant had been manufacturing and shipping in interstate commerce cheese and cheese products which were adulterated; that the products had been manufactured in a building which was dirty and out of repair and without sufficient drainage or adequate water supply; that the building was without adequate screening for the purpose of keeping out flies and insects; that the milk used by the defendant was dirty and unfit for human consumption and contained filthy and deleterious substances; that there were rodents in and about the building and equipment and in the cheese which was stored in the building; that there was a large amount of rodent excreta in the building and on the cheeses and raw material in the building; and that cheese and cheese products containing insects, flies, cow hairs, cat hairs, human hairs, rodent hairs, rodent filth, insect fragments, maggots, and other foul and filthy matter had been shipped in interstate commerce.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

PRAYER OF COMPLAINT: That the defendant be restrained and enjoined during the pendency of the action and permanently from shipping adulterated food of his manufacture in interstate commerce.

DISPOSITION: On November 21, 1945, with the consent of the defendant, a preliminary injunction was issued. On March 6, 1946, the defendant having consented to the issuance of the permanent injunction, an order was entered permanently enjoining the defendant from the commission of the acts complained of.

10269. Action to enjoin and restrain the interstate shipment of cheese products. U. S. v. Empire State Cheese Co., John A. Marino, and Carolyn M. Tarantine. Injunction granted. (Inj. No. 143.)

COMPLAINT FILED: July 11, 1946, Western District of New York, against the Empire State Cheese Co., a partnership, Olean, N. Y., and John A. Marino and Carolyn M. Tarantine, partners. The complaint charged that since January 1, 1946, the defendants had been manufacturing, selling, and shipping in interstate commerce substantial amounts of cheese products which were adulterated; that prior to January 1, 1946, the business was conducted under the name of Olean Ice Cream Co., and that John A. Marino was one of the partners, but that Carolyn M. Tarantine was not a member of the firm; that in May and June of 1944, inspections of the plant showed that its manufacturing practices were highly insanitary; that the milk being used at the time contained a high percentage that was unfit for human consumption, and there was evidence of fly breeding and rodent infestation in the plant; and that on August 19, 1944, and September 14, 1945, inspections showed that the plant was still operating under deplorable insanitary conditions.

It was further alleged in the complaint that the firm was again inspected on April 10, 1946; and that the name of the firm had been changed to the Empire State Cheese Co., composed of the individuals named above. Tests were made at the time which showed that approximately 42 percent of the milk being used was unfit for human consumption. The plant was being operated under generally repulsive insanitary conditions, and rodent and insect infestation was rampant throughout the plant. Between March 26 and June 13, 1946, various samples were collected from shipments of cheese made by the firm. These samples were found to contain rodent hair fragments, mites, cheese skippers, pupae, rodent-gnawed areas, mold, insect parts, rodent excreta, and miscellaneous dirt.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions.

PRAYER OF COMPLAINT: That the defendants, together with their agents, servants, and employees, be restrained from shipping and causing to be shipped food or food products which had been manufactured or stored at the plant of the defendants, and which were in violation of the law.

DISPOSITION: August 8, 1946. The defendants having failed to answer or otherwise plead to the complaint, judgment was entered enjoining and restraining them from shipping in interstate commerce food products which were in violation of the law, as set forth in the complaint.

10270. Action to restrain the interstate shipment of Cheddar cheese and process cheese. U. S. v. The Fisher Dairy & Cheese Co., Charles W. Fisher, Harold L. Fisher, and Max R. Christian. Complaint dismissed. (Inj. 121.)

COMPLAINT FILED: November 14, 1945, Northern District of Ohio, against the Fisher Dairy & Cheese Co., a corporation, Wapakoneta, Ohio, and Charles W. Fisher, president and treasurer of the corporation, Harold L. Fisher, vice president and general manager, and Max R. Christian, secretary. The complaint charged that the shipment of adulterated Cheddar cheese and process cheese had been made in interstate commerce by the corporate defendant since October 7, 1942, and by the individual defendants for a substantial period of time. Factory inspections disclosed the presence of insects, rodent excreta, and other foreign matter, and filthy and unwholesome substances around the plant and places where the cheese was manufactured and packed, and in and around the raw materials used in their manufacture. The inspections further disclosed that the equipment of the plant was in a state of disrepair and lacked adequate cleaning to maintain it in a sanitary condition, thereby subjecting the articles to contamination by insects, rodents, and other filthy and foreign matter.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been and were being prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

PRAYER OF COMPLAINT: That a preliminary injunction issue restraining the defendants from the commission of the acts complained of during the pendency of the action, and that, after hearing, the preliminary injunction be made permanent.

DISPOSITION: On December 21, 1945, a motion to make the complaint more definite and certain was filed on behalf of the defendants, together with the answer of Max R. Christian, one of the defendants, alleging that he had severed his connection with the corporate defendant as of December 7, 1945. On January 7, 1946, the court overruled the defendant's motion, and on January 21, 1946, it ordered that the complaint be dismissed with respect to Max R. Christian. On February 20, 1946, the other defendants in the case filed an answer admitting that in the past they had shipped quantities of cheese which may have been adulterated, but alleging that they had not violated any provisions of the law since August 16, 1945. The case came on for hearing before the court on May 16, 1946, and after consideration of the evidence and arguments of counsel, the court decided to retain the matter on its docket for several months to ascertain whether the defendants would continue to operate in compliance with the law. On October 23, 1946, the court having found that the corporate defendant was then operating in full compliance with the law, and that there was little probability that it would be in further violation, it was ordered that the complaint be dismissed without cost to that defendant, and with prejudice to a further action on the same state of facts.

10271. Adulteration of Colby cheese. U. S. v. Leslie E. Chapin (Tampico Creamery). Plea of guilty. Fine of \$500 and costs and 6 months' imprisonment. Execution of jail sentence suspended and defendant placed on 1 year's probation. (F. D. C. No. 17807. Sample Nos. 22568-H, 22569-H.)

INFORMATION FILED: On February 28, 1946, Northern District of Illinois, against Leslie E. Chapin, trading as the Tampico Creamery, Tampico, Ill. The defendant was charged with giving a false guaranty. The guaranty was given to

Armour & Co. on or about March 11, 1943. It provided that cheese shipped or delivered by the defendant to the latter firm would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about March 15 and 20, 1945, the defendant sold and delivered to Armour & Co. a quantity of Colby cheese which was adulterated, portions of which were shipped by Armour & Co., on or about March 17 and 20, 1945, from the State of Illinois into the States of Missouri and Tennessee.

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product bore and contained a poisonous and deleterious substance, *Salmonella typhi murium*, a pathogenic microscopic organism capable of causing enteric illness, which may have rendered it injurious to health; Section 402 (a) (3), the product was unfit for food by reason of the presence of viable *Salmonella typhi murium*; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have been rendered injurious to health.

DISPOSITION: On May 6, 1946, a plea of guilty having been entered, the defendant was fined \$500 and costs and sentenced to six months' imprisonment. On May 27, 1946, the court entered an order suspending execution of the prison sentence, and the defendant was placed on probation for a period of 1 year.

10272. Adulteration of Provoloni cheese. U. S. v. 22 Bundles of Provoloni cheese. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16848. Sample No. 11553-H.)

LIBEL FILED: July 13, 1945, District of Vermont.

ALLEGED SHIPMENT: On or about June 5, 1945, by the New York Cheese Co., from New York, N. Y.

PRODUCT: 22 bundles each containing 6 cheeses weighing about 10 pounds each at Northfield, Vt.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance.

DISPOSITION: January 30, 1946. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered sold for use as animal feed or for use other than human consumption.

MILK, CREAM, AND BUTTERMILK

10273. Adulteration of milk. U. S. v. Golden State Co., Ltd. Plea of nolo contendere. Fine, \$400. (F. D. C. No. 16589. Sample Nos. 31941-H, 31944-H.)

INFORMATION FILED: February 19, 1946, Southern District of California, against the Golden State Co., Ltd., a corporation, El Centro, Calif.

ALLEGED SHIPMENT: On or about February 22 and 23, 1945, from the State of California into the State of Arizona.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of digested vegetable fibers resembling manure; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 1, 1946. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$400 was imposed.

10274. Adulteration of cream. U. S. v. 10 10-Gallon Cans of Cream (and 20 other seizure actions against cream). Decrees of condemnation and destruction. (F. D. C. Nos. 17361, 17362, 17375, 17376, 17380, 17382, 17384, 17385, 18281, 18282, 18286, 18288, 21080, 21082, 21288. Sample Nos. 10135-H to 10138-H, incl., 10143-H to 10150-H, incl., 10157-H, 10159-H, 10164-H to 10169-H, incl., 10181-H to 10186-H, incl., 10349-H, 10913-H, 10914-H, 59769-H, 59770-H, 59793-H.)

LIBELS FILED: Between August 7, 1945, and September 17, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of August 1, 1945, and September 5, 1946, by Chesapeake Creameries, from, Martinsburg, W. Va., Harrisonburg, Va., Warrenton, Va., Luray, Va., Culpeper, Va., Leesburg, Va., Winchester, Va., Strasburg, Va., Louisa, Va., Fredericksburg, Va., and Frederick, Md.; on or about August 14, 1945, by John W. Sibert, from Winchester, Va.; on or about August 14, 1945, by A. T. Stickley, from Romney, W. Va.; on or

about August 14 and 27, 1945, by the Fairmont Creamery Co., from Albright and Buckhannon, W. Va., and Strasburg, Va.; on or about August 13, 1945, by B. L. Thomas, from Strasburg, Va.; on or about August 14, 1945, by M. K. Bowers, from Charles Town, W. Va.; on or about September 5, 1946, by Herbert L. Cork, from Clarksburg, W. Va.; on or about September 5, 1946, by Sam Beely, from Berkeley Springs, W. Va.; and on or about September 14, 1946, by R. E. Brown, from Brunswick, Md.

PRODUCT: 67 10-gallon cans and 1 5-gallon can of cream at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance.

DISPOSITION: Between August 7, 1945, and September 17, 1946. The consignees having consented to the entry of decrees, judgments were entered ordering that the product be immediately destroyed.

10275. Misbranding of condensed buttermilk. U. S. v. 25 Barrels of Condensed Buttermilk, and a number of pamphlets. Default decree of condemnation. Product ordered sold. (F. D. C. No. 17571. Sample No. 22189-H.)

LIBEL FILED: September 19, 1945, Eastern District of Illinois.

ALLEGED SHIPMENT: The product was shipped by the Merchants Creamery Co., from Cincinnati, Ohio, on or about July 10, 1945; the pamphlets were shipped by mail during the month of February 1945.

PRODUCT: 25 barrels of condensed buttermilk at Mattoon, Ill., and a number of pamphlets entitled "Blue Ribbon Condensed Milk." Examination of a sample of the product showed that it contained 6.70 percent of protein.

LABEL, IN PART: "Blue Ribbon Special Condensed Buttermilk * * *
Guaranteed Analysis Protein ----- 10%."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Protein 10%" was false and misleading.

Further misbranding, Section 403 (a), certain statements appearing in the pamphlets were false and misleading since they represented and suggested that the article would be effective to promote faster growth, better health, resistance to disease, lower mortality, better digestion in livestock and poultry, and increased hatchability and egg production in poultry; and that it would be effective in the treatment of worms and necrotic enteritis in hogs and coccidiosis in poultry. The article would not be effective for such purposes.

The article was alleged to be misbranded also under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1945.

DISPOSITION: February 5, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that all labels and pamphlets be destroyed.

MISCELLANEOUS DAIRY PRODUCTS

10276. Adulteration and misbranding of oleomargarine. U. S. v. The Miami Margarine Co. Plea of guilty. Fine, \$3,000. (F. D. C. No. 17806. Sample Nos. 13049-H, 13240-H, 13599-H, 13724-H, 13923-H, 22216-H.)

INFORMATION FILED: April 18, 1946, Southern District of Ohio, against the Miami Margarine Co., a corporation, Cincinnati, Ohio.

ALLEGED SHIPMENT: Between the approximate dates of January 11, 1945, and April 26, 1945, from the State of Ohio into the States of Indiana, Kentucky, and Tennessee.

LABEL, IN PART: "Nu-Maid Vegetable Oleomargarine."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of fat had been substituted for oleomargarine.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity, which requires that oleomargarine contain not less than 80 percent of fat.

DISPOSITION: May 16, 1946. A plea of guilty having been entered on behalf of the defendant, a fine of \$3,000 was imposed.

10277. Adulteration of rennet extract. U. S. v. 1 Keg and 1 Keg of Rennet Extract. Default decrees of condemnation and destruction. (F. D. C. Nos. 17512, 18803. Sample Nos. 25242-H, 25279-H.)

LIBELS FILED: January 7 and February 19, 1946, Middle District of Alabama.

ALLEGED SHIPMENT: On or about August 7 and 29, 1945, by Wisconsin Dairy Laboratory, from Green Bay, Wis.

PRODUCT: 2 24-gallon kegs of rennet extract at Dadeville, Ala.

LABEL, IN PART: "Linzmeier Rennet Extract Manufactured By S. I. Linzmeier Green Bay Wisconsin."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, fragments resembling rodent hairs, rodent hairs, cat hairs, and cow hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 19 and March 29, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10278. Adulteration of rennet paste. U. S. v. 45 Pounds of Rennet Paste. Default decree of condemnation and destruction. (F. D. C. No. 17698. Sample No. 10810-H.)

LIBEL FILED: September 28, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about September 7, 1945, by Frank Ronzani, from Kenosha, Wis.

PRODUCT: 45 pounds of rennet paste at Buffalo, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments.

DISPOSITION: October 22, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

EGGS

10279. Adulteration of shell eggs. U. S. v. 600 Cases of Shell Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17647. Sample No. 7354-H.)

LIBEL FILED: October 11, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about August 7, 1945, by Des Moines Produce Co., Des Moines, Iowa.

PRODUCT: 600 cases each containing 30 dozen shell eggs at New York, N. Y. This product was in possession of the Lehigh Valley Railroad when sampled. It had been held on the railroad delivery platform for a few days and then placed in the railroad refrigerator at a temperature of 32°. The condition of the eggs at the time of shipment could not be determined.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 7, 1945. The Lehigh Valley Railroad Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured or destroyed under the supervision of the Food and Drug Administration.

10280. Adulteration of frozen whole eggs. U. S. v. 224 Cans of Frozen Whole Eggs. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 17713. Sample No. 29927-H.)

LIBEL FILED: October 4, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about August 28, 1945, by Henningsen Denison, Inc., from Denison, Tex.

PRODUCT: 224 30-pound cans of frozen whole eggs at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 10, 1945. George Makins having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration.

10281. Adulteration of frozen mixed eggs. U. S. v. 925 Cans of Frozen Mixed Eggs. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 17714. Sample No. 29929-H.)

LIBEL FILED: October 4, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about August 24, 1945, by Worthington Creamery and Produce Co., from Worthington, Minn.

PRODUCT: 925 30-pound cans of frozen mixed eggs at San Francisco, Calif.

LABEL, IN PART: "Worthmore Brand Frozen Mixed Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 10, 1945. C. A. Swanson & Sons having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

FEEDS AND GRAINS

10282. Adulteration and misbranding of dog feed. U. S. v. Warner Dog Food Co., Inc. Plea of guilty. Fine, \$120. (F. D. C. No. 16602. Sample Nos. 32741-H, 32742-H, 32744-H.)

INFORMATION FILED: February 27, 1946, Eastern District of New York, against the Warner Dog Food Co., Inc., Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about January 23 and March 8, 1945, from the State of New York into the State of Maryland.

LABEL, IN PART: "All Breed," or "Dog Cakes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance containing less than 24 percent of protein had been substituted in whole or in part for a product containing 24 percent of protein, which the articles were represented to be.

Misbranding, Section 403 (a), the label statements, "Analysis Protein 24 per cent" and "Analysis Minimum Protein 24 percent," were false and misleading since they represented and suggested that the articles contained 24 percent of protein, whereas they contained less than that amount of protein.

DISPOSITION: March 21, 1946. A plea of guilty having been entered, the court imposed a fine of \$20 on each of the 6 counts of the information.

10283. Misbranding of crab meal (poultry feed). U. S. v. Sea Board Supply Co. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 17789. Sample Nos. 32745-H, 32747-H.)

INFORMATION FILED: January 29, 1946, Eastern District of Pennsylvania, against the Sea Board Supply Co., a corporation, Philadelphia, Pa.

ALLEGED SHIPMENT: On or about March 26 and 29, 1945, from the State of Pennsylvania into the State of Maryland.

PRODUCT: Analyses of samples from the 2 shipments showed an average of 29.16 and 29.68 percent, respectively, of crude protein.

LABEL, IN PART: "Sea Board Products Crab Meal."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statement "Guaranteed Analysis Protein 32.00%," borne on the label of the article, was false and misleading since the product contained less than 32 percent of protein.

DISPOSITION: March 13, 1946. A plea of nolo contendere having been entered, the court imposed a fine of \$150 on each count, a total fine of \$300.

10284. Misbranding of alfalfa meal. U. S. v. Pecos Valley Alfalfa Mill Co. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 17811. Sample No. 23-H.)

INFORMATION FILED: February 25, 1946, District of New Mexico, against the Pecos Valley Alfalfa Mill Co., a partnership, Dexter, N. Mex.

ALLEGED SHIPMENT: On or about November 23, 1944, from the State of New Mexico into the State of North Carolina.

LABEL, IN PART: "Velvet Brand Alfalfa Meal * * * Protein * * * 17%."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Protein * * * 17%" was false and misleading since the article contained less than 17 percent of protein.

DISPOSITION: March 18, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$50.

FISH AND SHELLFISH

10285. Adulteration and misbranding of canned mackerel. U. S. v. Parrott & Co. and Coast Grocery Co. Pleas of nolo contendere. Fine of \$50 against each defendant. (F. D. C. No. 17780. Sample Nos. 13550-H, 29204-H, 29205-H.)

INFORMATION FILED: February 13, 1946, Northern District of California, against Parrott & Co. and the Coast Grocery Co., San Francisco, Calif.

ALLEGED SHIPMENT: On or about January 30, 1945, from the State of California into the State of Kentucky.

LABEL, IN PART: "Val Vita Brand California Mackerel * * * Packed by California Sea Food Co., Long Beach, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish; and, Section 402 (b) (2), a variety of fish, commonly called horse mackerel, had been substituted in whole or in part for mackerel, which the article was represented to be.

Misbranding, Section 403 (a), the label statement "California Mackerel" was false and misleading since it represented and suggested that the article consisted entirely of mackerel. The article did not consist entirely of mackerel, but consisted in part of horse mackerel.

DISPOSITION: July 17, 1946. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a total fine of \$50 against each defendant.

10286. Adulteration of anchovy fillets. U. S. v. 30 Cases and 300 Cans of Filet of Anchovies. Default decrees of destruction. (F. D. C. Nos. 17649, 17650. Sample Nos. 2931-H, 2932-H.)

LIBELS FILED: October 11 and 15, 1945, Eastern District of Virginia.

ALLEGED SHIPMENT: June 22, 1945, by H. Schoenfeld Sons, from New York, N. Y.

PRODUCT: 30 cases, each containing 100 6-ounce cans, and 300 6-ounce cans of anchovy fillets at Richmond and Fort Myer, Va.

LABEL, IN PART: "Club Brand Filet of Anchovies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance since it was disintegrated and decomposed.

DISPOSITION: December 3 and 4, 1945. No claimants having appeared, judgments were entered ordering that the product be destroyed.

10287. Adulteration of frozen rosefish fillets. U. S. v. 3,217 Cartons of Frozen Rosefish Fillets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17705. Sample Nos. 10932-H, 10936-H, 10937-H.)

LIBEL FILED: October 5, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 11, 1945, by the New England Cold Storage Co., from Portland, Maine.

PRODUCT: 3,217 10-pound cartons of frozen rosefish fillets at Pittsburgh, Pa.

LABEL, IN PART: "Rosefish Maine Fillet Co. Inc. Holyoke Wharf Portland Me."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: October 12, 1945. Morris Benkovitz, Pittsburgh, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the elimination of the unfit portion and the salvaging of the fit portion, under the supervision of the Food and Drug Administration.

10288. Adulteration of frozen rosefish fillets. U. S. v. 898 Boxes of Frozen Rosefish Fillets. Default decree of condemnation and destruction. (F. D. C. No. 16863. Sample Nos. 16849-H, 17970-H, 17971-H.)

LIBEL FILED: July 26, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 30, 1945, by the Slade Gorton Co., from Gloucester, Mass.

PRODUCT: 898 10-pound boxes of frozen rosefish fillets at Chicago, Ill.

LABEL, IN PART: "Rosefish Packed by Baxter & Kerr, Inc., Gloucester, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid substance.

DISPOSITION: January 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was converted into fertilizer.

10289. Adulteration of frozen rosefish fillets. U. S. v. 434 Cartons of Frozen Rosefish Fillets. Default decree of condemnation and destruction. (F. D. C. No. 17728. Sample Nos. 24657-H, 24664-H.)

LIBEL FILED: October 4, 1945, Northern District of Alabama.

ALLEGED SHIPMENT: On or about September 6, 1945, by the Old Point Fish Co., Inc., from Phoebus, Va.

PRODUCT: 434 10-pound cartons of frozen rosefish fillets at Birmingham, Ala.

LABEL, IN PART: "Progressive Brand Quickly Frozen Rosefish Fillets Packed by Progressive Fillet Co. Gloucester Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: November 8, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10290. Adulteration of frozen whiting fillets. U. S. v. 74 Cartons of Frozen Whiting Fillets. Default decree of condemnation and destruction. (F. D. C. No. 16979. Sample No. 17978-H.)

LIBEL FILED: August 13, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 12, 1945, by the Standard Fish Co., from Boston, Mass.

PRODUCT: 74 20-pound cartons of frozen whiting fillets at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10291. Adulteration of dressed whitefish. U. S. v. 16 Boxes of Whitefish. Default decree of condemnation and destruction. (F. D. C. No. 16797. Sample No. 14783-H.)

LIBEL FILED: July 16, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 14, 1945, by the Booth Fisheries Canadian Co., Ltd., from Winnipeg, Canada.

PRODUCT: 16 100-pound boxes of dressed whitefish at Chicago, Ill.

LABEL, IN PART: "Packed By Spider Island Fisheries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: January 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10292. Adulteration of smoked fish. U. S. v. 4 Cases of Smoked Fish. Default decree of condemnation and destruction. (F. D. C. No. 17158. Sample No. 28688-H.)

LIBEL FILED: August 23, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about July 23, 1945, by the Porkie Co., from Minneapolis, Minn.

PRODUCT: 4 cases, each containing 20 cards of 24 packages, of smoked fish at Seattle, Wash.

LABEL, IN PART: (Package) "Blind Robins Packed By The Porkie Co. Omaha, Neb. $\frac{1}{4}$ Oz. or Over."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10293. Adulteration of codfish cakes. U. S. v. 49 Cases of Fish Cakes. Default decree of condemnation and destruction. (F. D. C. No. 17325. Sample No. 3114-H.)

LIBEL FILED: August 29, 1945, District of Columbia.

ALLEGED SHIPMENT: On or about July 6, 1945, by the Gorton-Pew Fisheries Co., Ltd., from Gloucester, Mass.

PRODUCT: 49 cases, each containing 24 cans, of codfish cakes at Washington, D. C.

LABEL, IN PART: (Can) "Gorton's Ready-to-Fry Cod Fish Cakes Net Weight 10 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed potatoes.

DISPOSITION: January 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10294. Adulteration of frozen shrimp. U. S. v. 242 Boxes and 241 Boxes of Frozen Shrimp. Default decrees of condemnation and destruction. (F. D. C. Nos. 17507, 17771. Sample Nos. 27765-F, 27766-F.)

LIBELS FILED: October 1 and 10, 1945, District of Kansas.

ALLEGED SHIPMENT: On or about August 21, 1945, by Lodrigues Brothers, New Orleans, La.

PRODUCT: 483 5-pound boxes of frozen shrimp at Wichita, Kans.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed and putrid substance.

DISPOSITION: November 21 and December 18, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

FRUITS AND VEGETABLES*

CANNED, DRIED, AND FROZEN FRUITS

10295. Adulteration of canned cherries. U. S. v. Hunt Brothers Packing Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 17803. Sample Nos. 28003-H, 28242-H, 28507-H, 28708-H.)

INFORMATION FILED: February 20, 1946, District of Oregon, against the Hunt Brothers Packing Co., a corporation, Salem, Oreg.

ALLEGED SHIPMENT: On or about January 4, 6, and 8, 1945, from the State of Oregon into the State of Washington.

LABEL, IN PART: "Hunt's Supreme Quality Fancy Royal Anne Light Sweet Cherries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: April 3, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$25 on each of 4 counts.

10296. Misbranding of canned apricots, canned asparagus, canned cherries, and canned fruit cocktail. U. S. v. Hunt Brothers Packing Co. Plea of nolo contendere. Fine, \$550. (F. D. C. No. 17808. Sample Nos. 52130-F, 59964-F, 69978-F, 69979-F, 73168-F, 73429-F, 73431-F, 73441-F, 73450-F, 73460-F, 73471-F, 73484-F.)

INFORMATION FILED: March 7, 1946, Northern District of California, against the Hunt Brothers Packing Co., a corporation, Hayward, Calif.; charging that the defendant shipped between the approximate dates of August 12, 1944, and September 27, 1944, quantities of canned apricots, canned asparagus spears,

*See also No. 10203.

canned asparagus cuts, and canned cherries from the State of California into the States of Massachusetts, Illinois, Utah, Idaho, Washington, Indiana, South Dakota, and Wisconsin. The defendant was charged also with the giving of a false guaranty to Wellman, Peck & Co., San Francisco, Calif., on or about October 20, 1941. The guaranty provided that the article comprising each shipment or delivery made by the defendant to the latter firm would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about April 7, 1944, the defendant sold and delivered to Wellman, Peck & Co. a quantity of canned fruit cocktail and, on or about August 10, 1944, a quantity of canned cherries. On or about August 10, 1944, Wellman, Peck & Co. shipped a number of cases of the canned cherries from San Francisco, Calif., to Honolulu, T. H. A number of cases of the fruit cocktail were resold by Wellman, Peck & Co. to Otis McAlister & Co. The latter firm resold them to American Factors, Ltd., which firm shipped them from San Francisco, Calif., to Port Allen, T. H., on or about August 25, 1944.

LABEL, IN PART: "Hunt's Supreme Quality * * * Apricots * * * In Extra Heavy Syrup [or "In Heavy Syrup"]," "Val Vita Brand Fancy California Asparagus Cuts Tips Removed * * * Packed For Val Vita Food Co. Main office San Francisco, California U. S. A.," "Hunt's Supreme Quality Fancy Small California Green Tipped And White Asparagus Spears," "Hunt's Superior Quality * * * Royal Anne Light Sweet Cherries In Heavy Syrup," or "Hunt's Supreme Quality Fancy Fruit Cocktail * * * In Extra Heavy Syrup."

NATURE OF CHARGE: Apricots and cherries. Misbranding, Section 403 (a), the label statements, "In Extra Heavy Syrup" and "In Heavy Syrup," were false and misleading since the products bearing the former statement were packed in heavy sirup, and those bearing the latter statement were packed in light sirup; and, Section 403 (g) (2), the apricots failed to conform to the definition and standard of identity for canned apricots since the labels failed to bear the name of the optional packing medium present.

Asparagus cuts. Misbranding, Section 403 (a), the label statement, "Fancy California Asparagus Cuts Tips Removed," was false and misleading since the statement represented and suggested that the product consisted of the succulent portion of the asparagus stalk after removal of the tips, whereas it consisted of the fibrous butts of the asparagus stalk.

Asparagus spears. Misbranding, Section 403 (a), the label statement, "Fancy California Green Tipped and White Asparagus Spears," was false and misleading since the product consisted of asparagus spears that were not of fancy quality, but were excessively fibrous.

Fruit cocktail. Misbranding, Section 403 (a), the label statement "Fruit Cocktail" was false and misleading since the product did not conform to the definition and standard for fruit cocktail; Section 403 (g) (2), the product failed to conform to the definition and standard for fruit cocktail since it contained less than 6 percent of pineapple, less than 6 percent of whole grapes, and less than 3 percent of the optional cherry ingredients prescribed in the regulations; and, Section 403 (h) (2), the product fell below the standard of fill of container for canned fruit cocktail, since the fill of container of the product was less than 65 percent of the water capacity of the container, as determined by the general method of determining fill of container referred to in the standard.

DISPOSITION: May 2, 1946. A plea of nolo contendere having been entered, the defendant was fined \$50 on each count, a total fine of \$550.

10297. Misbranding of canned pears. U. S. v. General Grocer Co. Motion to quash denied. Plea of not guilty withdrawn; plea of guilty entered. Fine, \$500. (F. D. C. No. 15566. Sample No. 67507-F.)

INFORMATION FILED: June 28, 1945, Eastern District of Missouri, against the General Grocer Co., a corporation, St. Louis, Mo.

ALLEGED SHIPMENT: On or about February 24, 1943, from West Stayton, Oreg., and Vancouver, Wash., to St. Louis, Mo.; and on or about March 22, 1944, from St. Louis, Mo., to Terre Haute, Ind.

ALLEGED VIOLATIONS: The defendant received two shipments of substandard canned pears in unlabeled cans from West Stayton, Oreg., and Vancouver, Wash. While the article was held for sale at St. Louis, Mo., the defendant caused the product to be misbranded by labeling the cans "Contents 6 Lbs. 10 Ozs. Robin Brand Pears General Grocer Co. Distributors St. Louis, Mo." The defendant shipped a quantity of the pears so labeled from St. Louis, Mo., to Terre Haute, Ind., on or about March 22, 1944.

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned pears since its label failed to bear, as required by the regulations, the common name of the optional pear ingredient, "Halves" or "Halved," and the common name of the optional liquid packing medium, water. Further misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned pears since all units were not untrimmed or were not so trimmed as to preserve their normal shape; and the label of the article failed to bear a statement that it fell below such standard.

DISPOSITION: A motion to quash the information, and an amendment to such motion were filed on behalf of the defendant, attacking the validity of the regulations. On October 1, 1945, the court denied the defendant's motion to quash. On October 2, 1945, a plea of not guilty was entered on behalf of the defendant. That plea was subsequently withdrawn, and a plea of guilty was entered. On June 5, 1946, the court imposed a fine of \$250 on each of the 2 counts of the information.

10298. Adulteration of canned plums. U. S. v. 90 Cases of Canned Plums. Default decree ordering product destroyed or disposed of for animal feed. (F. D. C. No. 17541. Sample No. 19441-H.)

LIBEL FILED: February 26, 1945, District of Minnesota.

ALLEGED SHIPMENT: On or about October 11, 1945, by the Associated Frozen Food Packers, Inc., from Albany, Oreg.

PRODUCT: 90 cases, each containing 24 1-pound, 14-ounce cans, of plums at Minneapolis, Minn.

LABEL, IN PART: "18-K Brand 'Good as Gold' Contents 1 Lb. 14 Oz. Purple Plums in Heavy Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of plums affected with brown rot.

DISPOSITION: April 25, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed unless reprocessed for animal feed, under the direction of the Food and Drug Administration.

10299. Adulteration of dates. U. S. v. 43 Cases of Dates (and 3 other seizure actions against dates). Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 17549, 19244, 19323, 19562. Sample Nos. 15319-H, 15334-H, 30623-H, 47528-H, 47530-H, 58121-H.)

LIBELS FILED: February 27, March 19, and April 19, 1946, Western District of Washington, District of Arizona, District of Colorado, and Northern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of January 4 and February 19, 1946, by Calavo, Inc., from Covina and Los Angeles, Calif.

PRODUCT: Dates. 43 cases at Seattle, Wash., 24 cases at Phoenix, Ariz., 167 cases at Denver, Colo., and 1,148 cases at Chicago, Ill. Each case contained 24 10- or 12-ounce bags or packages of dates.

LABEL, IN PART: (Portions) "Cal-Trop California Dates."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-damaged dates and (one lot only) of a decomposed substance by reason of the presence of moldy dates.

DISPOSITION: April 25 and May 31, 1946. No claimant having appeared for the Seattle and Phoenix lots, judgments of condemnation were entered and the product was ordered destroyed. On April 15 and July 8, 1946, Calavo, Inc., claimant for the Denver and Chicago lots, having consented to the entry

of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the good be separated from the bad and that both be disposed of in compliance with the law, under the supervision of the Federal Security Agency.

10300. Adulteration of dates. U. S. v. 168 Flats of Dates. Default decree of condemnation and destruction. (F. D. C. No. 15472. Sample No. 28446-F.)

LIBEL FILED: March 8, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about January 18, 1945, by the Victory Produce Co., from Los Angeles, Calif.

PRODUCT: 168 15-pound flats of dates at Tacoma, Wash.

LABEL, IN PART: "Dates Grown in California Calavo, Inc., Los Angeles, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of fermented and moldy dates.

DISPOSITION: April 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. A large portion of the product was delivered to a public institution for use as animal feed.

10301. Adulteration of stuffed dates. U. S. v. 600 Boxes of Stuffed Dates. Default decree of condemnation and destruction. (F. D. C. No. 17886. Sample No. 12825-H.)

LIBEL FILED: October 9, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 31, 1945, by E. C. Rich, Inc., from New York, N. Y.

PRODUCT: 600 1-pound boxes of stuffed dates at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of moths, weevils, and larvae.

DISPOSITION: November 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10302. Adulteration of dried prunes. U. S. v. 3,200 Cartons of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 17663. Sample No. 9644-H.)

LIBEL FILED: September 24, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about August 31, 1945, by the Duffy Mott Co., Inc., from Cleveland, Ohio.

PRODUCT: 3,200 25-pound cartons of dried prunes at Holley, N. Y.

LABEL, IN PART: "Dried Prunes Packed by Rosenberg Bros. & Co. San Francisco, Calif. U. S. A."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect-damaged prunes.

DISPOSITION: October 30, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10303. Adulteration of raisins. U. S. v. 72 Cases of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 16891. Sample No. 2322-H.)

LIBEL FILED: On or about July 19, 1945, Western District of Virginia.

ALLEGED SHIPMENT: On or about October 24, 1944, by the Bonner Packing Co., from Fresno, Calif.

PRODUCT: 72 cases, each containing 20 pounds, of layer raisins at Radford, Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article contained beetles and larvae.

DISPOSITION: January 7, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10304. Adulteration of seedless raisins. U. S. v. 46 Boxes of Seedless Raisins. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 17576. Sample No. 4495-H.)

LIBEL FILED: September 18, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 30, 1944, by the Bonner Packing Co., from Fresno, Calif.

PRODUCT: 46 30-pound boxes of seedless raisins at Philadelphia, Pa.

LABEL, IN PART: "Bonner's Choice Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect-damaged raisins.

DISPOSITION: October 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

10305. Adulteration of frozen blackberries. U. S. v. 366 Cartons of Frozen Blackberries (and 3 other seizure actions against frozen blackberries). Decrees of condemnation. Portion of product ordered sold; remainder ordered released under bond. (F. D. C. Nos. 17636, 17995, 17996, 18237. Sample Nos. 7941-H, 7948-H, 7970-H, 7971-H, 22793-H, 23035-H.)

LIBELS FILED: Between the dates of October 10 and 31, 1945, District of New Jersey and Eastern District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of July 17 and 24, 1945, by the Craddock Canning and Preserve Co., from Paducah, Ky.

PRODUCT: Frozen Blackberries. 366 cartons, each containing 24 cups, and 420 30-pound cans at Jersey City, N. J.; and 340 30-pound cans at St. Louis, Mo. Examination showed that the blackberries were fermented or sour and that one lot contained maggots.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance or (one lot) a filthy substance.

DISPOSITION: October 24 and 28 and November 26 and 27, 1945. The Delphi Frosted Foods Corporation, New York, N. Y., claimant for the Jersey City lots, having admitted the allegations of the libels, and no claimant having appeared for the St. Louis lots, judgments of condemnation were entered. It was ordered that the Jersey City lots be released under bond, conditioned that they be used in the manufacture of alcohol, under the supervision of the Food and Drug Administration, and that the St. Louis lots be sold for purposes other than human consumption.

10306. Adulteration of frozen blackberries, misbranding of frozen dewberries, and adulteration and misbranding of frozen blueberries. U. S. v. 656 Cases of Frozen Blackberries, 200 Cases of Frozen Dewberries, and 116 Cases of Frozen Blueberries. Consent decree of condemnation. Portion of product ordered destroyed; remainder ordered released under bond. (F. D. C. No. 17570. Sample Nos. 4751-H, 4752-H, 4754-H, 4761-H.)

LIBEL FILED: September 17, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 26, 1945, by the Craddock Canning and Preserve Co., from Paducah, Ky.

PRODUCT: 656 cases, each containing 22 cups, of frozen blackberries, 200 cases, each containing 22 cups, of frozen dewberries, and 116 cases, each containing 22 cups, of frozen blueberries at Philadelphia, Pa. Examination showed that the blackberries were fermented and that the blueberries contained maggots. Both the blueberries and dewberries were found to be short-weight.

LABEL, IN PART: "Craddock's Fancy Frozen Blackberries [or "Dewberries," or "Blueberries"] Net Weight 14 Ozs. [or "12 Ozs.," or "16 Ozs."]."

NATURE OF CHARGE: Blackberries and blueberries. Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed or filthy substances.

Dewberries and blueberries. Misbranding, Section 403 (a), the labels of the articles failed to contain an accurate statement of the quantity of the contents.

DISPOSITION: October 25, 1945. Bucks County Frozen Products, Inc., Doylestown, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the blueberries were ordered destroyed. It was ordered that the blackberries be denatured and converted into wine brandy or vinegar and that the dewberries be relabeled under the supervision of the Food and Drug Administration.

JAMS, JELLIES, AND PRESERVES

10307. Adulteration and misbranding of jam. U. S. v. Fred M. Goldsmith and Ludwig Wolf (Mactavish Preserves Co.). Plea of guilty. Fine, \$3,600. (F. D. C. No. 15560. Sample Nos. 52715-F, 52736-F, 88040-F, 88041-F, 88202-F, 88341-F.)

INFORMATION FILED: March 6, 1946, Eastern District of New York, against Fred M. Goldsmith and Ludwig Wolf, individuals, trading as the Mactavish Preserves Co., Brooklyn, N. Y.

ALLEGED SHIPMENT: Between the approximate dates of June 5 and August 11, 1944, from the State of New York into the States of Massachusetts and Rhode Island.

PRODUCT: These products all contained less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the standards. The red raspberry jam contained added water, and a portion had not been concentrated by heat to such point that it contained at least 68 percent of soluble solids, which portion also contained added phosphoric acid or acid phosphate. One lot of the strawberry jam was also insufficiently concentrated, and another lot also contained added water.

LABEL, IN PART: "Mactavish Pure Red Raspberry [or "Strawberry," or "Apricot"] Jam."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products deficient in fruit, portions of which failed in other respects to conform with the definitions and standards, had been substituted for standard jams.

Misbranding, Section 403 (g) (1), the products failed to conform with the definitions and standards of identity for red raspberry, strawberry, and apricot jams.

DISPOSITION: May 9, 1946. Pleas of guilty having been entered, the defendants were each fined \$1,800.

10308. Adulteration of peach preserves. U. S. v. Cecil Brown Fig Co. Plea of guilty. Fine of \$1,000 suspended and firm placed on probation for 5 years. (F. D. C. No. 15485. Sample No. 10393-F.)

INFORMATION FILED: May 29, 1945, Southern District of Texas, against the Cecil Brown Fig. Co., a partnership, Friendswood, Tex.

ALLEGED SHIPMENT: On or about January 15, 1944, from the State of Texas into the State of Louisiana.

LABEL, IN PART: "Tak-A-Taste Brand * * * Pure Peach Preserves."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, peach fruit, had been in part omitted from the article; and, Section 402 (b) (2), a substance deficient in peach fruit and containing added phosphoric acid or acid phosphate had been substituted in whole or in part for peach preserves, for which a definition and standard of identity has been prescribed by regulations.

DISPOSITION: June 4, 1946. A plea of guilty having been entered, the defendant was fined \$1,000, which fine was suspended, and the firm was placed on probation for a period of 5 years.

10309. Adulteration and misbranding of jams, jellies, and preserves. U. S. v. 400 Cases of Jam, 149 Cases of Jelly, and 47 Cases of Preserves. Consent decrees of condemnation. Products ordered released under bond. Judgment entered ordering forfeiture of bond against 2 lots. (F. D. C. Nos. 4556, 4806, 4906. Sample Nos. 57070-E, 57281-E, 57407-E.)

LIBELS FILED: April 30, May 20, and June 10, 1941, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 19 and April 15, 1941, by the Fresh Grown Preserve Corporation, from Lyndhurst and Kingsland, N. J.

PRODUCT: 400 cases, each containing 6 No. 10 cans, of jams, 149 cases, each containing 6 No. 10 cans, of jelly, and 47 cases, each containing 6 No. 10 cans, of preserves at Jefferson Barracks, Mo.

LABEL, IN PART: "Natures Own Pure Currant [or "Quince," "Blackberry," "Black Raspberry," "Crabapple," or "Grape"] Jelly," "Natures Own Pure Raspberry [or "Grape," "Loganberry," "Peach," "Pineapple," or "Cherry"] Jam," or "Natures Own Pure Pineapple [or "Raspberry," "Peach," "Strawberry," "Loganberry," or "Apricot"] Preserves."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), imitation preserves and jam deficient in fruit had been substituted in whole or in part for raspberry, grape, and loganberry jams, and pineapple, raspberry, peach, strawberry, loganberry, and apricot preserves; and imitation jellies deficient in fruit juice and artificially flavored had been substituted in whole or in part for currant and quince jellies, foods for which definitions and standards of identity have been prescribed by the regulations.

Misbranding, Section 403 (a), the names of the products, "Pure Raspberry [or "Grape," or "Loganberry"] Jam," "Pure Pineapple [or "Raspberry," "Peach," "Strawberry," "Loganberry," or "Apricot"] Preserves," and "Pure Currant [or "Quince"] Jelly," were false and misleading; Section 403 (c), the products were imitations of other foods, and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the names of the foods imitated; Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for preserves, jams, and jellies; and, Section 403 (k), the jellies contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: On September 3 and October 14, 1941, the Fresh Grown Preserve Corporation, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond, conditioned that they be relabeled under the supervision of the Food and Drug Administration.

On or about July 27, 1945, the Government filed a motion for forfeiture of bond and judgment in the actions involving 400 cases and 47 cases, respectively, on the grounds that the conditions of the decrees had not been complied with. On September 4, 1945, orders were entered that the defendant show cause why the bonds should not be forfeited. The defendant having filed its answer to the order to show cause, the actions came on before the court for hearing. On December 20, 1945, the court made its findings of fact and conclusions of law in favor of the Government and entered judgment that the Fresh Grown Preserve Corporation and the Century Indemnity Co. were indebted to the Government in the sum of \$1,608 and \$194.58, respectively, on the two bonds.

10310. Adulteration and misbranding of jams and jellies. U. S. v. 8 Jars and 10 Cases of Wild Blackberry Jam, 8 Jars and 8 Cases of Wild Plum Jam, and 4 Cases of Wild Blackberry Jelly (and 1 other seizure action against wild blackberry and wild plum jams and jellies.) Default decrees of condemnation. Products ordered delivered to a charitable organization. (F. D. C. Nos. 18387, 18398. Sample Nos. 37814-H to 37820-H, incl.)

LIBELS FILED: On or about November 28 and December 5, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about October 1 and 3, 1945, by Inez McDonald, from Grass Valley, Calif.

PRODUCT: 8 5-pound jars and 12 cases of wild blackberry jam, 8 5-pound jars and 11 cases of wild plum jam, 6 cases of wild blackberry jelly, and 2 cases of wild plum jelly, at Medford and Grants Pass, Oreg. Each case contained 24 20-ounce jars of the respective products.

LABEL, IN PART: "Home Made Pure Fruit Product Wild Blackberry [or "Wild Plum"] Jam [or "Jelly"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product of less than 68 percent soluble solids content had been substituted in whole or in part for blackberry jam, and products of less than 65 percent soluble solids content had been substituted in whole or in part for plum jam, plum jelly, and blackberry jelly.

Misbranding, Section 403 (g) (1), the articles failed to conform to definitions and standards of identity which require that the soluble solids content of blackberry jam be not less than 68 percent, and that of plum jam, plum jelly, and blackberry jelly be not less than 65 percent.

DISPOSITION: January 15, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to a charitable organization.

VEGETABLES*

10311. Adulteration of canned mushrooms. U. S. v. 17 Cases of Canned Mushrooms (and 3 other seizure actions against canned mushrooms). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 17522, 19292, 19293, 19386, 19833. Sample Nos. 15632-H, 15637-H, 15639-H, 15649-H, 59663-H.)

LIBELS FILED: Between the dates of February 26 and May 3, 1946, Northern District of Indiana, Northern District of Illinois, and Western District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of December 13, 1945, and January 11, 1946, by the Delaware Mushroom Cooperative Association, from Hockessin, Del.

PRODUCT: Canned mushrooms. 17 cases at Hammond, Ind., 572 cases at Chicago, Ill., and 139 cases at Sharon, Pa. Each case contained 24 4-ounce cans of mushrooms.

LABEL, IN PART: "Golden Dawn Mushrooms Stems and Pieces," or "First State Stems and Pieces Mushrooms."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: April 3, 19, and 23 and July 16, 1946. The Delaware Mushroom Cooperative Association, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

10312. Adulteration of dried mushrooms. U. S. v. 6 Boxes and 5 Bags of Dried Mushrooms. Default decree of condemnation and destruction. (F. D. C. Nos. 14536 to 14541, incl. Sample Nos. 86550-F to 86556-F, incl.)

LIBEL FILED: December 6, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of September 29 and October 21, 1944, by Ed J. Novak, Mrs. Thomas Ceeka, and Arnold Richter, from Veseli, Savage, and Montgomery, Minn., respectively, and by Carl Medzilka, Otto Neilzel, and A. Langiewicz, from Chetek, Edgar, and Stanley, Wis., respectively.

PRODUCT: Dried mushrooms. 6 boxes and 5 bags, containing a total of 372 pounds, at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and maggots.

DISPOSITION: November 12, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10313. Adulteration of dried mushrooms. U. S. v. 3 Bags of Mushrooms. Default decree of condemnation and destruction. (F. D. C. Nos. 14683, 14684. Sample Nos. 86574-F, 86575-F.)

LIBEL FILED: December 6, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 8 and 13, 1944, by Joe Stepanek, Jr., and Floyd Stringer, from Boscobel, Wis., and St. Paul, Minn., respectively.

PRODUCT: 2 16-pound bags and 1 45-pound bag of dried mushrooms at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: December 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

*See also Nos. 10220, 10296.

10314. Misbranding of canned peas. U. S. v. 599 Cases of Canned Peas (and 6 other seizure actions against canned peas). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 17343, 17622, 18098, 18201, 18355, 18626, 18627. Sample Nos. 22381-H, 23511-H, 23899-H, 24880-H, 24921-H, 52583-H, 52584-H.)

LIBELS FILED: Between October 2 and December 10, 1945, Southern, Northern, and Western Districts of Texas, Southern District of Illinois, Eastern District of Missouri, and Eastern District of Kentucky.

ALLEGED SHIPMENT: Between the approximate dates of July 16 and August 30, 1945, by the Fall River Canning Co., from Fall River and Janesville, Wis.

PRODUCT: Canned peas. 599 cases, 968 cases, and 79 cases at Houston, Dallas, and Austin, Tex., respectively; 1,447 cases at Bloomington, Ill.; 1,750 cases at St. Louis, Mo.; and 1,796 cases at Paintsville, Ky. Each case contained 24 cans of peas. The cans in the Dallas and Paintsville lots were labeled as indicated below, and the cans in the other lots were shipped unlabeled.

LABEL, IN PART: (Portions of product) "Wiscos Brand [or "Eatmor Brand"] Early June Peas," or "Upper Deck * * * June Peas."

NATURE OF CHARGE: Misbranding (4 lots), Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), the label of the article failed to bear, as prescribed by the regulations, the name of the food specified in the definition and standard.

Further misbranding (all lots), Section 403 (h) (1), the article was below standard.

DISPOSITION: Between the dates of December 14, 1945, and April 2, 1946. The Schuhmacher Co., Houston, Tex., having appeared as claimant for the Houston and Austin lots, and the Fall River Canning Co. having appeared as claimant for the remainder, and both claimants having consented to the entry of decrees, judgments of condemnation were entered. The product in all of the lots was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

10315. Misbranding of canned peas. U. S. v. 872 Cases and 158 Cases of Canned Peas. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 17673, 17716. Sample Nos. 19196-H, 19602-H.)

LIBELS FILED: September 27 and October 3, 1945, District of Minnesota and District of South Dakota.

ALLEGED SHIPMENT: On or about August 3 and 6, 1945, by the Lange Canning Corporation, from Eau Claire, Wis.

PRODUCT: 872 cases and 158 cases, each containing 24 cans, of peas at Mankato, Minn., and Sioux Falls, S. Dak., respectively.

LABEL, IN PART: "Nation's Garden Brand [or "Gem Wisconsin"] Early June Peas Contents 1 Lb. 4 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: November 13 and December 1, 1945. The Lange Canning Corporation, claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

10316. Misbranding of canned peas. U. S. v. 50 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 17742. Sample No. 19274-H.)

LIBEL FILED: October 4, 1945, Northern District of Iowa.

ALLEGED SHIPMENT: On or about August 6, 1945, by the McGregor Wholesale Grocery Co., from Cassville, Wis.

PRODUCT: 50 cases, each containing 24 1-pound, 4-ounce cans, of peas at McGregor, Iowa.

LABEL, IN PART: "Pride of Cassville Brand Wisconsin Early June Peas * * * Packed by Klindt-Geiger Canning Co., Cassville, Wis."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: October 30, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

10317. Adulteration of green split peas. U. S. v. 850 Bags of Green Split Peas. Default decree of condemnation and destruction. (F. D. C. No. 17729. Sample No. 9456-H.)

LIBEL FILED: October 3, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about March 24, 1945, by the Trinidad Bean and Elevator Co., from Palouse, Wash.

PRODUCT: 850 50-pound bags of green split peas at Batavia, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, cocoons, and webbing.

DISPOSITION: November 30, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

10318. Adulteration and misbranding of tomato puree. U. S. v. Stockton Food Products, Inc. Plea of guilty. Fine, \$2,000. (F. D. C. No. 17783. Sample Nos. 33857-F, 92361-F.)

INFORMATION FILED: January 25, 1946, Northern District of California, against Stockton Food Products, Inc., Stockton, Calif.

ALLEGED SHIPMENT: On or about October 6 and 7, 1944, from the State of California into the State of New York.

LABEL, IN PART: The product was unlabeled, but it was billed as "Fcy Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it was sealed in a container and had not been so processed by heat, before or after sealing, as to prevent spoilage, as required by the regulations.

DISPOSITION: April 8, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500 on each of the 4 counts.

10319. Adulteration of tomato puree. U. S. v. 916 Cases and 175 Cases of Tomato Puree. Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond. (F. D. C. Nos. 17533, 18929. Sample Nos. 14381-H, 19861-H.)

LIBELS FILED: February 1 and 20, 1946, Middle District of Tennessee and District of Minnesota.

ALLEGED SHIPMENT: November 15, 1945, and January 21, 1946, by the Blue River Packing Co., from Morristown and Shelbyville, Ind.

PRODUCT: Tomato puree. 916 cases at Nashville, Tenn., and 175 cases at Minneapolis, Minn. Each case contained 6 6-pound, 8-ounce cans, of the product.

LABEL, IN PART: "Blue River Brand Fancy Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: On March 20, 1946, the Blue River Packing Co., claimant for both lots, having admitted the allegations of the libel filed at Minneapolis, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit be separated from the unfit and that both be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. On September 9, 1946, the claimant having failed to answer or defend the action instituted at Nashville, judgment of condemnation was entered and the product was ordered destroyed.

10320. Adulteration of tomato puree. U. S. v. 163 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 16642. Sample No. 29641-H.)

LIBEL FILED: June 21, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 31, 1945, by the California Best Products Co., from San Francisco, Calif.

PRODUCT: 163 cases, each containing 6 cans, of tomato puree at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10321. Adulteration of tomato puree and tomato paste. U. S. v. 140 Cases of Tomato Puree and 600 Cases of Tomato Paste. Decrees of condemnation. Puree ordered destroyed; paste ordered released under bond. (F. D. C. Nos. 17550, 18958. Sample Nos. 5027-H, 6126-H.)

LIBELS FILED: January 8 and March 1, 1946, Eastern District of Pennsylvania and Northern District of New York.

ALLEGED SHIPMENT: On or about November 2 and December 13, 1945, by the Caruso Products Distributing Corporation, from Newark, N. J.

PRODUCT: 140 cases, each containing 6 No. 10 cans, of tomato puree at Utica, N. Y., and 600 cases, each containing 6 No. 10 cans, of tomato paste at Philadelphia, Pa. Examination of the tomato paste showed the presence of swells and springers, indicating that a part of the product was in a condition of active spoilage. Examination of the tomato puree showed the presence of decomposed tomato material.

LABEL, IN PART: (Puree only) "Suzy Bel Brand Fancy Tomato Puree * * * Packed by Stanislaus Canning Co., Modesto, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances.

DISPOSITION: April 9, 1946. No claimant having appeared for the tomato puree, judgment of condemnation was entered and the product was ordered destroyed. On July 2, 1946, the California Canning Co., Manteca, Calif., claimant for the tomato paste, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the good be separated from the bad and that the latter be destroyed under the supervision of the Food and Drug Administration.

10322. Adulteration and misbranding of canned tomatoes and adulteration of tomato puree and tomato paste. U. S. v. 161 Cases of Canned Tomatoes (and 3 other seizure actions against tomato puree and tomato paste). Decrees of condemnation. Portion of products ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 15706, 18706, 19000, 19673. Sample Nos. 5606-H, 7322-H, 7368-H, 8150-H.)

LIBELS FILED: March 26, 1945, and January 2 and 22 and April 16, 1946, Eastern District of New York and District of New Jersey.

ALLEGED SHIPMENT: On or about November 2, 1944, and October 23 and November 9 and 20, 1945, by the Califruit Canning Co., from Manteca, Calif.

PRODUCT: 161 cases, each containing 24 cans, of tomatoes, 800 cases, each containing 6 No. 10 cans, of tomato puree, and 429 cases, each containing 96 6-ounce cans, of tomato paste at Newark, N. J.; and 32 cases, each containing 48 10½-ounce cans, of tomato puree at Brooklyn, N. Y. The canned tomatoes were a mixture of unpeeled pear-shaped tomatoes and tomato puree. Examination showed that all three of the products contained decomposed tomato material.

LABEL, IN PART: "Enrico Caruso Brand [or "Valia Brand"] Tomato Paste," or "Lulu Brand Extra Heavy Tomato Puree." The canned tomatoes and one lot of tomato puree were marked "unlabeled." No written agreement existed as to the labeling of the canned tomatoes.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances.

Misbranding (canned tomatoes), Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label of the article failed to bear the common or usual name of the food.

DISPOSITION: April 1 and December 11, 1946. No claimant having appeared for the lots of tomato puree, judgments of condemnation were entered and the product was ordered destroyed. On March 20 and May 29, 1946, the Caruso Products Distributing Corporation, claimant for the lots of canned tomatoes and tomato paste at Newark, having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the portions of both products fit for human consumption be segregated and labeled so as to comply with the law, under the supervision of the Food and Drug Administration.

10323. Adulteration of Catsup Style Sauce. U. S. v. 31 Dozen Bottles of Catsup Style Sauce (and 2 other seizure actions against Catsup Style Sauce). Default decrees of condemnation and destruction. (F. D. C. Nos. 15985, 16399, 16897. Sample Nos. 23975-H, 24804-H, 31624-H.)

LIBELS FILED: May 1, June 6, and July 20, 1945, Northern District of Alabama and Southern District of California.

ALLEGED SHIPMENT: On or after November 6 and December 21, 1944, and January 4, 1945, by the Del-Mar, from Dallas, Tex.

PRODUCT: Catsup Style Sauce. 65 cases, each containing 24 6-ounce bottles, and 66 cases, each containing 48 6-ounce bottles, at Birmingham and Anniston, Ala., respectively; and 31 dozen 6-ounce bottles at San Diego, Calif. The product was undergoing fermentation.

LABEL, IN PART: "Imperial Catsup Style Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 6, July 6, and August 20, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

MEAT AND POULTRY

10324. Adulteration of frankforts. U. S. v. Harold W. Cole. Plea of guilty. Fine, \$100. (F. D. C. No. 17826.)

INFORMATION FILED: October 19, 1945, District of Massachusetts, against Harold W. Cole, trading as H. W. Cole & Co., Boston, Mass.

ALLEGED SHIPMENT: On or about March 15, 1945, from the State of Massachusetts into the State of Rhode Island.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, and decomposed substance, i. e., meat food products which had become contaminated with filth.

DISPOSITION: November 6, 1945. A plea of guilty having been entered, the court imposed a fine of \$100.

10325. Adulteration of pork sausage meat. U. S. v. 118 Boxes of Pork Sausage Meat. Default decree of condemnation. Product ordered sold. (F. D. C. No. 17555. Sample No. 6112-H.)

LIBEL FILED: September 13, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about August 18, 1945, by the Berkshire Provision Wholesale Co., from Chicago, Ill.

PRODUCT: 118 60-pound boxes of pork sausage meat at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be rendered into inedible fats and grease.

10326. Adulteration of dressed poultry. U. S. v. Mrs. George D. Tracy Poultry & Eggs. Plea of guilty. Fine, \$150. (F. D. C. No. 16557. Sample No. 86578-F.)

INFORMATION FILED: January 15, 1946, District of Minnesota, against Mrs. George D. Tracy Poultry & Eggs, a partnership, Tracy, Minn.

ALLEGED SHIPMENT: On or about November 26, 1944, from the State of Minnesota into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of its contamination with manure; and, Section 402 (a) (5), it consisted in whole or in part of fowl that was diseased at the time of slaughter.

DISPOSITION: January 15, 1946. A plea of guilty having been entered, the court imposed a fine of \$150.

10327. Adulteration of frozen turkeys. U. S. v. 36 Cases of Frozen Turkeys. Default decree of condemnation. Product ordered converted into fertilizer tankage. (F. D. C. No. 17241. Sample No. 31472-H.)

LIBEL FILED: September 4, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about August 7, 1945, by the Lee Brown Co., from Roosevelt, Utah.

PRODUCT: 36 cases, containing a total of about 2,234 pounds, of frozen turkeys at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: September 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and converted into fertilizer tankage, under the supervision of the Federal Security Agency.

10328. Adulteration of frozen turkeys. U. S. v. 107 Boxes of Frozen Turkeys. Default decree of condemnation. Product ordered denatured. (F. D. C. No. 16853. Sample Nos. 31459-H, 31460-H.)

LIBEL FILED: July 13, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about June 5, 1945, by H. J. Nielson, from Salt Lake City, Utah.

PRODUCT: 107 17-pound boxes of frozen turkeys at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the turkeys were in whole or in part the product of diseased animals.

DISPOSITION: August 8, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and delivered to a rendering plant for recovery of the fat and conversion of the remainder into fertilizer, under the supervision of the Food and Drug Administration. It was further ordered that the fat and boxes be sold and the proceeds disposed of in accordance with the law.

NUTS AND NUT PRODUCTS*

10329. Adulteration of walnut meats and candy. U. S. v. Los Angeles Nut House, Sam Gendel, and Nestor Gold. Pleas of nolo contendere. Imposition of sentences suspended and defendants placed on probation for 2 years. (F. D. C. No. 16615. Sample Nos. 25517-H, 25518-H, 27238-H, 28545-H, 28546-H, 32074-H.)

INFORMATION FILED: February 28, 1946, Southern District of California, against Los Angeles Nut House, a partnership, Los Angeles, Calif., and Sam Gendel and Nestor Gold, partners.

ALLEGED SHIPMENT: Between the approximate dates of February 27 and March 29, 1945, from the State of California into the States of Utah and Washington.

LABEL, IN PART: (Candy) "Victory Squares," or "Deluxe Toffee Crunch."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of, in the walnut meats, worm-damaged and moldy nuts, and, in the candy, rodent hairs, insect and larvae fragments, a larva, a capsule, and worm fragments.

Further adulteration of the candy, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 13, 1946. Pleas of nolo contendere having been entered, imposition of sentence was suspended and each defendant was placed on probation for 2 years.

*See also No. 10251.

10330. Adulteration of black walnut meats. U. S. v. 2 Cases of Black Walnut Meats (and 14 other seizure actions against black walnut meats). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 17534, 18868 to 18870, incl., 19218, 19221, 19222, 19230, 19231, 19276, 19612 to 19614, incl., 19772, 19840. Sample Nos. 5245-H, 5306-H to 5308-H, incl., 7230-H, 9894-H, 14263-H, 14473-H, 14479-H, 18292-H, 42821-H, 50639-H, 52916-H to 52918-H, incl.)

LIBELS FILED: Between January 17 and May 7, 1946, Northern and Southern Districts of Ohio, Southern District of Iowa, Southern and Western Districts of New York, Eastern District of Pennsylvania, District of Maryland, and District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of December 1, 1945, and March 25, 1946, by Block Brothers, from Nashville, Tenn.

PRODUCT: Black Walnut Meats. 42 cases at Cleveland, 2 cases at Cincinnati, and 36 cases at Dayton, Ohio; 3 cases at Des Moines, Iowa; 3 cases at Minneapolis, Minn.; 10 cases at New York City and 6 cases at Buffalo, N. Y.; 8 cases at Baltimore, Md.; and 14 cases at Philadelphia and 10 cases at Reading, Pa.

The cases contained either 35 or 55 pounds of walnut meats. The various shipments contained one or more of the following kinds of filth: *E. coli*, rodent hairs, rodent hair fragments, insect fragments, and feather barbules.

LABEL, IN PART: "(Pasteurized) Tennessee Belle Brand Black Walnut Kernels."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and (one lot only), Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: Between March 18 and June 13, 1946. Block Brothers, claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law by being washed and pasteurized under the supervision of the Food and Drug Administration.

10331. Adulteration of shelled walnuts. U. S. v. 349 Cases of Shelled Walnuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16641. Sample No. 11261-H.)

LIBEL FILED: June 22, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 11, 1945, by the Consolidated Nut Co., from Los Angeles, Calif.

PRODUCT: 349 25-pound cases of shelled walnuts at Boston, Mass.

LABEL, IN PART: "Golden Bear Shelled California Walnuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of rodent hair fragments and insect-infested and moldy walnut meats.

DISPOSITION: April 15, 1946. The Consolidated Nut Co., Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned by cleansing and sorting and the removing of all objectionable material, under the supervision of the Federal Security Agency.

10332. Adulteration of cashew nuts. U. S. v. 50 Cans of Cashew Nuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17442. Sample No. 13899-H.)

LIBEL FILED: September 11, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 4, 1945, by Wm. A. Higgins and Co., from New York, N. Y.

PRODUCT: 50 25-pound cans of cashew nuts at Cleveland, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: September 20, 1945. Wm. A. Higgins and Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated, denatured, and destroyed.

10333. Misbranding of peanut butter. U. S. v. 8 Cases of Peanut Butter. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 17770. Sample No. 800-H.)

LIBEL FILED: November 30, 1945, Northern District of Florida.

ALLEGED SHIPMENT: On or about April 7 and July 25, 1945, by Cinderella Foods, from Dawson, Ga.

PRODUCT: 8 cases, each containing 24 jars, of peanut butter at Tallahassee, Fla. Examination showed that the product was short-weight.

LABEL, IN PART: "Fairy Wand Peanut Butter * * * Net Weight 1 Lb."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 20, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as hog feed.

SPICES, FLAVORS, AND SEASONING MATERIALS

10334. Adulteration of chili peppers. U. S. v. Christopher L. Prats (C. L. Prats Chili Co.). Plea of nolo contendere. Fine, \$100 on count 1; sentence suspended on remaining counts, and defendant placed on probation for 60 days. (F. D. C. No. 17796. Sample Nos. 30937-H, 30938-H, 31707-H, 31711-H, 31722-H, 31724-H.)

INFORMATION FILED: February 27, 1946, District of Arizona, against Christopher L. Prats, trading as the C. L. Prats Chili Co., McNeal, Ariz.

ALLEGED SHIPMENT: Between the approximate dates of November 22, 1944, and February 15, 1945, from the State of Arizona into the State of California.

NATURE OF CHARGE: Adulteration, Section 402(a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirt, rodent hairs, insect fragments, rodent-chewed and insect-infested peppers, and, a decomposed substance, decomposed chili pepper material.

DISPOSITION: On June 26, 1946, a plea of nolo contendere having been entered, the court imposed a fine of \$100 on count 1, suspended the imposition of sentence on the remaining 5 counts for 1 year, and placed the defendant on probation for that period. On July 19, 1946, an order was entered modifying and reducing the probation period to 60 days.

10335. Adulteration and misbranding of imitation pepper. U. S. v. Tulah Evans Brooks (General Products Co.). Plea of guilty. Fine, \$500. Defendant placed on probation for 3 years. (F. D. C. No. 16586. Sample No. 217-H.)

INFORMATION FILED: On or about November 6, 1945, Middle District of Georgia, against Tulah Evans Brooks, trading as the General Products Co., Albany, Ga.

ALLEGED SHIPMENT: On or about March 1, 1945, from the State of Georgia into the State of North Carolina.

LABEL, IN PART: "Ritz Black Pepper Decortication With buckwheat middlings added."

NATURE OF CHARGE: Adulteration, Section 402(b) (1), a valuable constituent, pepper, had been in whole or in part omitted from the product; and, Section 402(b) (2), a mixture of buckwheat hulls and bran and flour with pepper shells had been substituted in whole or in part for black pepper.

Misbranding, Section 403(a), the label statement "Black Pepper," borne prominently on the label, was false and misleading; and this false and misleading impression created by the prominent statement was not corrected by the inconspicuous statement "Decortication with buckwheat middlings added." Further misbranding, Section 403(e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, for the label bore no statement of the quantity of the contents.

DISPOSITION: April 2, 1946. A plea of guilty having been entered, the defendant was fined \$500 and placed on probation for 3 years.

10336. Adulteration of imitation pepper. U. S. v. 711 Packages of Imitation Pepper (and 2 other seizure actions against imitation pepper). Default decrees of condemnation and destruction. (F. D. C. Nos. 17602, 17604, 17605. Sample Nos. 688-H, 1403-H, 2784-H.)

LIBELS FILED: September 25 and 27, 1945, District of Maryland and Northern District of Georgia.

ALLEGED SHIPMENT: February 24, June 26, and July 23, 1945, by Basic Food Materials, Inc., from Cleveland, Ohio.

PRODUCT: Imitation pepper. 477 5-pound packages and 234 1-pound packages at Baltimore, Md.; and 41 cartons, each containing 24 1-pound bags, and 234 1-pound packages at Atlanta, Ga.

LABEL, IN PART: "Chef's Delite Imitation Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following: Weevils, larvae, beetles, insect fragments, and rodent hairs.

DISPOSITION: October 31 and November 1, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10337. Adulteration of pepper piccalilli. U. S. v. 374 Cartons of Pepper Piccalilli (and 5 other seizure actions against pepper piccalilli). Default decrees of condemnation and destruction. (F. D. C. Nos. 17648, 17655, 17656, 18156, 18247 to 18249, incl. Sample Nos. 4496-H, 4500-H, 5002-H to 5004-H, incl., 5008-H, 5011-H, 5015-H.)

LIBELS FILED: October 10, 11, 12, and 31, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of September 1 and September 20, 1945, by the Uddo and Taormina Co., from Vineland, N. J.

PRODUCT: 374 cartons, 69 cartons, and 151 cartons, and 150 cases, 59 cases, 129 cases, and 197 cases of pepper piccalilli peperoni at Philadelphia, Pa.

LABEL, IN PART: "Progresso Brand * * * Pepper Piccalilli Peperoni."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of flies, fly eggs, fly parts, larvae, maggots, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 6, 1945, and January 3, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10338. Adulteration of yellow mustard seed. U. S. v. 284 Bags of Yellow Mustard Seed. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17543. Sample No. 9832-H.)

LIBEL FILED: February 25, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about February 8, 1945, from Conrad, Mont.

PRODUCT: 284 100-pound bags of yellow mustard seed at Buffalo, N. Y., in possession of the Merchants Refrigerating Co. (Terminal and Transportation Warehouse). The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 6, 1946. The Merchants Refrigerating Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of bringing it into compliance with the law by segregating the good from the bad, destroying the part that was bad, and reconditioning the part that may be made good, under the supervision of the Food and Drug Administration.

10339. Adulteration and misbranding of chow chow. U. S. v. 84 Cases of Chow Chow (and 3 other seizure actions against chow chow). Default decrees of condemnation. Portion of product ordered delivered to a charitable institution; remainder ordered destroyed. (F. D. C. Nos. 17627, 17628, 18392, 19447. Sample Nos. 472-H, 473-H, 1222-H, 1370-H.)

LIBELS FILED: October 10 and December 27, 1945, and March 22, 1946, Northern and Southern Districts of Georgia.

ALLEGED SHIPMENT: On or about August 21, 27, and 29, 1945, by M. Licht and Son, from Knoxville, Tenn.

PRODUCT: Chow chow. 184 cases at Atlanta, 15 cases at Griffin, and 26 cases at Brunswick, Ga. Each case contained 4 1-gallon jars. The 4 shipments of this product contained about 0.08, 0.11, 0.1, and 0.08 percent, respectively, of saccharin. These quantities of saccharin are the equivalent of 25 to 30 percent of sugar.

LABEL, IN PART: "Smoky Mountain Sweet Chow Chow."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing saccharin, which has no food value, had been substituted in whole or in part for sweet chow chow.

Misbranding, Section 403 (a), the label designation "Sweet Chow Chow" was false and misleading. Sweet chow chow should contain, according to trade and consumer understanding, approximately 25 percent of sugar as its sweetening ingredient. The product, however, contained saccharin as its added sweetening ingredient, which has no food value and which is not a normal or expected ingredient of sweet chow chow.

DISPOSITION: November 9, 1945, and February 18 and June 27, 1946. No claimant having appeared, judgments of condemnation were entered. The Brunswick lot was ordered delivered to a charitable institution, and the 3 remaining lots were ordered destroyed.

10340. Adulteration and misbranding of pure vanilla extract. U. S. v. 720 Bottles of Pure Vanilla Extract (and 8 other seizure actions against vanilla extract). Tried to the court. Verdict for the Government. Decree of condemnation. Product ordered delivered to public institutions. (F. D. C. Nos. 3945, 4256, 4302, 4353, 4476, 4477, 4736, 4777, 4787. Sample Nos. 21711-E, 21837-E, 31698-E to 31700-E, incl., 32978-E, 56876-E, 57336-E, 57337-E, 62303-E.)

LIBELS FILED: Between March 8 and May 22, 1941, Northern and Southern Districts of California, Eastern District of New York, Eastern District of Arkansas, and Northern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of December 18, 1940, and April 17, 1941, by the Plantation Extract Corp., from New York, N. Y. One of the shipments was delivered to Brooklyn, N. Y., under a bill of lading marked "For Export Marked For: QMSO Puerto Rican Genl. Depot Fort Buchanan, San Juan, P. R. P. O. # 10689."

PRODUCT: 213 cartons and 502 $\frac{1}{3}$ dozen bottles of pure vanilla extract at San Francisco and Los Angeles, Calif., Little Rock, Ark., Brooklyn, N. Y., and Chicago, Ill. The bottles were in $\frac{3}{4}$ -ounce, 2-ounce, 8-ounce, and 1-gallon sizes. The cartons each contained 24 bottles.

LABEL, IN PART: "Pure Extract Vanilla," "Plantation Pure Vanilla Extract for Flavoring," or "Banner's Super-fine Pure Vanilla Extract."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted in whole or in part for pure vanilla extract; Section 402 (b) (3), inferiority had been concealed through the addition of foreign resins; and, Section 402 (b) (4), foreign resins had been added or mixed or packed with the article so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the label statements, "Pure Vanilla Extract," "Pure Extract Vanilla," and "Guaranteed to comply with all Pure Food Laws in every respect," were false and misleading; Section 403 (b), the article was offered for sale under the name of another food; Section 403 (c), it was an imitation of another food, and its label did not bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; and, Section 403 (d), the containers of a portion of the Chicago lot were so made, formed, or filled as to be misleading.

DISPOSITION: The Plantation Extract Corporation, claimant, having filed a motion for the consolidation of the cases, and the Government having consented, an order was entered on October 25, 1941, ordering that the California, Arkansas, and Illinois cases be removed to, and consolidated for trial with the case in, the Eastern District of New York. On May 13, 1944, the court handed down the following opinion:

BYERS, *District Judge*: "Motion by the United States of America, as libellant, to vacate a notice of the taking of the oral deposition of employees of the Federal Security Agency, Food and Drug Administration, and for the production of books and records by them.

"This is a proceeding under the Federal Food, Drug and Cosmetic Act of June 25, 1938, 21 U. S. C. A. Sec. 301 et seq., seizure having been made under Section 334 because the subject-matter, namely, vanilla extract, is alleged to have been adulterated and misbranded.

"The motion is made upon the theory that the proceeding, being deemed to be in Admiralty, is not governed by the Federal Rules and Civil Procedure, pursuant to which the notice of the taking of the depositions was given.

"The statute says (Section 334 (b)) in part: 'The article shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury.'

"Since the discovery sought by the claimant is a matter of procedure, it becomes apparent that the first and most important question is whether the Federal Rules of Civil Procedure govern a proceeding under this statute. Rule 81 applies, and paragraph (2) makes it clear that the Federal Rules govern appeals only, 'except to the extent that the practice in such proceedings is not set forth in statutes of the United States and has heretofore conformed to the practice in actions at law or suits in equity: * * * forfeiture of property for violation of a statute of the United States.'

"The note appended by the Committee touching this subdivision is as follows: 'For examples of statutes which are preserved by paragraph (2) see: * * * Title 21, Sec. 14 (Pure Food and Drug Act—Condemnation of Adulterated or Misbranded Food; Procedure).'

"The foregoing is understood to mean that, in the opinion of the Committee, the Federal Rules of Civil Procedure were not thought to apply to proceedings under the Pure Food and Drug Act; while that opinion is not to be extended beyond its proper scope, it constitutes a comment on the part of the best informed body, on the subject of the scope of the Federal Rules—namely, the Committee which formulated them—and, as such, cannot be treated otherwise than with great respect.

"There is no present difficulty in disposing of this motion on the theory that discovery as sanctioned by the Federal Rules of Civil Procedure would not be appropriate to this case, because that which is sought to be elicited from the government witnesses doubtless consists of expert testimony on the part of chemists who have made analyses of samples of the commodity which has been seized, and it does not seem that such analyses and the conclusions based thereon constitute the kind of evidence that one party should be required to disclose to his adversary in ordinary litigation.

"It is quite true that in most civil causes the Federal Rules intend one litigant shall be able to secure the help of his adversary in developing his own side of the case, but that customarily has to do with the facts as observed by witnesses to a given occurrence or transaction; it does not apply to matters of expert testimony such as scientific data prepared by engineers. See *Lewis v. U. S. Airlines, etc.*, 32 Fed. Supp. 21.

"It is true that the latter case dealt with relief which was sought under Rule 30 (b), while the pending motion is upon the theory that no discovery whatever under the Federal Rules is proper in this proceeding.

"The decision of the motion is that, since the framers of the Rules were of the opinion that they did not apply to such proceedings, this Court should adopt that view, in the absence of compelling reason to the contrary.

"One reason for believing that there is none such, is that, even if the foregoing view is mistaken, the government would still be in a position to urge that the expert testimony of its chemists should not be available to the claimant, under the guise of discovery.

"*443 Cans, etc., v. U. S.*, 226 U. S. 172, is not thought to point to a contrary result.

"Motion granted. Settle order."

On December 11, 1944, the matter came on for trial before a jury, and on December 14, 1944, the jury returned a verdict in favor of the Government. On February 19, 1945, judgment of condemnation was entered, and on May 8, 1946, the product was ordered delivered to public institutions.

MISCELLANEOUS FOODS

10341. Adulteration and misbranding of food colors. U. S. v. Alpha Aromatic Laboratories, a partnership, and Milton Ainbinder and Joseph Sirowitz. Pleas of guilty. Partnership fined \$170; individual defendants each fined \$850. (F. D. C. No. 17784. Sample Nos. 78372-F, 83152-F to 83154-F, incl., 88701-F, 93903-F.)

INFORMATION FILED: February 27, 1946, Eastern District of New York, against the Alpha Aromatic Laboratories, a partnership, Brooklyn, N. Y., and Milton Ainbinder and Joseph Sirowitz, partners.

ALLEGED VIOLATIONS: The defendants falsely represented and without proper authority used on the labels of products designated as "Bright Yellow Shade," "Raspberry Red Shade," "Brilliant Green Shade," "Yolk Yellow Shade," and "Brilliant Rose Shade," respectively, marks and identification devices authorized and required by the regulations. The said colors bore the marks and identification devices, "Lot A6567," "Lot B1624," "Lot B1764," and "Lot A8428," which had been assigned to persons other than the defendants for use on certain batches of certified coal-tar colors. The colors so labeled by the defendants were not from batches to which the identification devices had been assigned, but were uncertified coal-tar colors of different compositions. The colors so marked and a lot of "Royal Blue Shade" were shipped by the defendants between the approximate dates of March 3, 1944, and October 26, 1944, from the State of New York into the States of New Jersey, Pennsylvania, Massachusetts, and Connecticut.

NATURE OF CHARGE: Adulteration, Section 402 (c), the products, with the exception of the royal blue shade, contained coal-tar colors which were others than ones from batches that had been certified in accordance with the regulations; and, Section 402 (b) (4), (royal blue only) water had been added to the product so as to reduce its quality.

Misbranding, Section 403 (a), the statements, (bright yellow) "Contains 51% Color * * * Lot A6567," (raspberry red) "Contains 4.3% Color Lot B1624," (brilliant green) "Contains 3.5% Color Lot B1764," (yolk yellow) "Contains 51% Color Lot A6567," (brilliant rose) "Contains 4.2% Color Lot A8428," and (royal blue) "Contains 6.6% Color," borne on the respective labels, were false and misleading since the articles contained less than the labeled percentage of color; and those colors identified by the various lot numbers did not consist of coal-tar colors from batches than had been certified pursuant to the regulations and that had been assigned the various lot numbers as implied in the statements.

Further misbranding, Section 403 (i) (2), (all colors) they were fabricated from 2 or more ingredients, and their labels failed to bear the common or usual name of each ingredient; and, Section 403 (k), (raspberry red, brilliant green, brilliant rose, and royal blue shades) the products contained a chemical preservative, salts of benzoic acid, and failed to bear labeling stating that fact.

DISPOSITION: March 26, 1946. Pleas of guilty having been entered, the partnership was fined \$170, and each of the individual partners was fined \$850.

10342. Adulteration and misbranding of food colors. U. S. v. Fred C. Mattia (Premier Color Works). Plea of guilty. Fine, \$400. Defendant placed on 2 years' probation. (F. D. C. No. 16540. Sample Nos. 75951-F, 79100-F, 82764-F, 88279-F.)

INFORMATION FILED: March 8, 1946, Southern District of New York, against Fred C. Mattia, trading as the Premier Color Works, New York, N. Y.

ALLEGED SHIPMENT: Between the approximate dates of June 1 and July 17, 1944, from the State of New York into the States of Pennsylvania, Michigan, New Jersey, and Massachusetts.

LABEL, IN PART: "Verd-Oro A * * * For Technical Use," "Green Color DS * * * For Technical Use," "Special Olive Oil Preparation," or "Grassolio Special."

NATURE OF CHARGE: Adulteration, Section 402 (c), the products contained a coal-tar color, Quinizarin Green SS, D & C Green No. 6, which had not been listed for use in foods in accordance with the regulations and was other than one from a batch that had been certified.

Misbranding, Section 403 (a), the statement "For Technical Use" on the labels of the "Verd-Oro A" and the "Green Color DS" was false and misleading since the products were to be used for food purposes. Further misbranding (Special Olive Oil Preparation and Grassolio only), Section 403 (i) (2), the products were fabricated from two or more ingredients, and their labels failed to bear the common or usual name of each ingredient.

DISPOSITION: March 29, 1946. A plea of guilty having been entered, the defendant was fined \$400 and placed on probation for 2 years.

10343. Adulteration of coal-tar colors and flavors containing coal-tar colors. U. S. v. David Kleckner & Son, Inc. Plea of guilty. Fine, \$4,000. (F. D. C. No. 16574. Sample Nos. 78290-F, 87139-F, 88095-F, 88563-F.)

INFORMATION FILED: March 6, 1946, Eastern District of New York, against David Kleckner & Son, Inc. The information charged that the defendant falsely represented and without proper authority used an identification device authorized and required by the coal-tar regulations, in violation of Section 301 (i). The defendant changed in composition a quantity of a coal-tar color which had been certified by the Food and Drug Administration, and labeled the color so changed in composition, with the lot number under which it had been certified. The information charged also that the defendant shipped the color so changed in composition, 1 lot of unlisted and uncertified color, and 2 lots of flavors containing unlisted and uncertified colors between the approximate dates of April 22 and December 4, 1944, from the State of New York into the States of Pennsylvania, Michigan, and Massachusetts.

LABEL, IN PART: "Kleckner's 1 Quart Spinach Green Shade Color * * * Lot No. B-8016," "Kleckner Kolor Green Leaf," "Tipo Silica * * * Flavor," or "Ethers Edible Oil F D & C Yellow #3 Kleckner's Sicilia Ollo Flavor."

NATURE OF CHARGE: Adulteration, Section 402 (c), the Spinach Green Shade Color contained coal-tar colors, Guinea Green B (F D & C Green No. 1), Tartrazine (F D & C Yellow No. 5), and Orange I (F D & C Orange No. 1), which were others than colors from batches that had been certified in accordance with the regulations. The remaining colors contained Butter Yellow (C. I. #19) and Quinizarin Green SS (D & C Green No. 6), which colors had not been listed for use in foods in accordance with the regulations, and were others than ones from batches that had been certified in accordance with the regulations.

DISPOSITION: April 30, 1946. A plea of guilty having been entered on behalf of the defendant, a fine of \$4,000 was imposed.

10344. Adulteration of brown chicle. U. S. v. 184 Bags of Brown Chicle. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17579. Sample No. 12422-H.)

LIBEL FILED: September 20, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 18, 1945, by M. D. Bromberg, from New Brighton, Staten Island, N. Y.

PRODUCT: 184 Bags, each containing about 170 pounds, of brown chicle at East Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs.

DISPOSITION: January 28, 1946. The Gum Products, Inc., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency, by the scraping of the outside of the blocks of chicle, by the cleaning off of all foreign matter, and by the washing and the filtering of it.

10345. Adulteration of mincemeat. U. S. v. 2 Barrels of Mince Meat. Default decree of condemnation and destruction. (F. D. C. No. 17248. Sample No. 28885-H.)

LIBEL FILED: September 5, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about July 19, 1945, by Confectioners Traffic Bureau, from San Francisco, Calif.

PRODUCT: 2 barrels, each containing approximately 475 pounds, of mincemeat at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of rodent hairs and fermented mincemeat.

DISPOSITION: January 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10346. Adulteration of salt. U. S. v. 146 Bags of Salt. Default decree of forfeiture. Product ordered disposed of for nonfood purposes. (F. D. C. No. 17267. Sample No. 11569-H.)

LIBEL FILED: August 31, 1945, District of Vermont.

ALLEGED SHIPMENT: On or about April 26, 1945, from Watkins Glen, N. Y.

PRODUCT: 146 100-pound bags of salt at Hinesburg, Vt., in possession of C. Economou. The product was stored under insanitary conditions after shipment. Rodent pellets and urine stains were observed on the bags, and examination showed that the product was contaminated with rodent urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 12, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered delivered to the City of Burlington, Vt., to be used for highway purposes.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES*

10347. Adulteration and misbranding of Patten's Vitamin and Mineral Tablets, Multiplex Tablets, and Hi-B Complex Tablets. U. S. v. Patten Concentrates, Inc., and Milton D. Grosz. Pleas of nolo contendere. Corporation fined \$500 on 1 count; imposition of sentence suspended on remaining counts against corporation and on all counts against individual defendant. Both placed on probation for 3 years. (F. D. C. No. 17799. Sample Nos. 70978-F, 74782-F, 74783-F.)

INFORMATION FILED: March 11, 1946, Southern District of California, against Patten Concentrates, Inc., a corporation, Burbank, Calif., and Milton D. Grosz, president of the corporation.

ALLEGED SHIPMENT: On or about February 8 and November 6, 1944, from the State of California into the State of Oregon.

NATURE OF CHARGE: Vitamin and Mineral tablets. Adulteration, Section 402 (b) (1), valuable constituents of the product had been omitted in whole or in part in that the label represented that 6 tablets would supply not less than 5,000 U. S. P. Units of vitamin A, 600 U. S. P. Units of vitamin C, and 10,000 gamma (10 mgs.) of niacin; that 6 tablets would supply $1\frac{1}{4}$ times the minimum daily requirements for adults, 12 years or older, of vitamin A and the minimum requirement of vitamin C and phosphorus. The article would supply smaller amounts and proportions of vitamins A and C and niacin and phosphorus than represented. Misbranding, Section 403 (a), the label statements, "Six tablets (2 after each meal) will supply daily 'A' 5,000 U. S. P. Units * * * 'C' - - - 600 U. S. P. Units * * * Niacin - - - 10,000 Gamma (10 mgs.)" and "Six Tablets daily (2 at meal time) will supply $1\frac{1}{4}$ times vitamin A * * * 1 time C, * * * 1 time Phosphorus, * * * ratio to the minimum daily requirement for adults 12 years or older," were false and misleading.

Multiplex Tablets. Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in whole or in part omitted in that the label represented that 6 tablets contained not less than 5,000 U. S. P. Units of vitamin A, whereas they contained a smaller amount of vitamin A. Misbranding, Section 403 (a),

*See also No. 10252.

the label statement, "Each six tablets contain the following: Vitamins: A 5,000 U. S. P. Units * * * Minerals; Calcium 948 Milligrams * * * Iron 15 Milligrams; Iodine 0.1 Milligram," was false and misleading. The product contained less than the labeled amount of vitamin A, and 6 tablets contained greater amounts of calcium, iron, and iodine than represented.

Hi-B Complex Tablets. Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in whole or in part omitted since each tablet was represented to contain not less than 675 U. S. P. Units of vitamin B₁, but each tablet contained a smaller amount. Misbranding, Section 403 (a), the label statement, "Each Tablet Contains Vitamin B₁, 675 U. S. P. Units," was false and misleading; and, Section 403 (e) (1), the article was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. Further misbranding, Section 403 (j), it purported to be and was represented as a food for special dietary uses by man by reason of its vitamin properties in respect to its vitamin B₁, B₂, and B₆ and pantothenic acid and nicotinic acid content; its label failed to bear such information concerning its vitamin properties as had been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses, since the label failed to bear a statement of the proportion of the minimum daily requirements for vitamins B₁ and B₂ which would be supplied by the article when consumed in a specified quantity during a period of 1 day; and its label failed to bear a statement that the need in human nutrition had not been established for vitamin B₆ and pantothenic acid.

DISPOSITION: April 2, 1946. Pleas of nolo contendere having been entered on behalf of the defendants, the corporation was fined \$500 on 1 count. Imposition of sentence on the remaining counts against the corporation and on all counts against the individual was suspended for 3 years, and both defendants were placed on probation for that period.

10348. Misbranding of Yogurt Culture. U. S. v. International Yogurt Co. and Richard Tille. Pleas of nolo contendere. Fine of \$200 against each defendant; fine against company remitted. (F. D. C. No. 16567. Sample Nos. 73780-F, 28602-H, 28617-H.)

INFORMATION FILED: April 15, 1946, Southern District of California, against the International Yogurt Co., a partnership, Beverly Hills, Calif., and Richard Tille, a partner and manager of the firm.

ALLEGED SHIPMENT: On or about November 15 and December 13, 1944, from the State of California into the States of Arizona and Washington.

PRODUCT: Bacteriological examination of samples of the article showed it to be a starter culture, containing viable lactobacilli.

LABEL, IN PART: (Bottle) "Original Bulgarian Yogurt Culture From the Laboratory of International Yogurt Company Beverly Hills, California Prepared under the Scientific Supervision of Rosell Bacteriological Dairy Institute La Trappe, Canada."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in accompanying circulars entitled, "ABC of making Genuine Bulgarian Yogurt at Home," "Yogurt Culture a Health Aid," and "Keep Young With Rosell Institute Yogurt Culture," were false and misleading. The statements in the circulars represented and suggested that the article would keep one young; that it would create in the user the feeling of general well-being and health; that it would cause the increased longevity implied in the expression "Adds life to your years and years to your life"; that it would prolong life by eliminating self-poisoning (auto-intoxication); that it would prevent premature old age; that it would be of great benefit in many types of gastrointestinal disturbances; that it would prevent injury of our most precious organs, arteries, brain, liver, and kidneys; and that it would aid delicate digestion. The article would not be efficacious for the purposes claimed.

DISPOSITION: May 6, 1946. Pleas of nolo contendere having been entered on behalf of the defendants, the court imposed fines of \$100 on each count, a total of \$200, respectively, against both the partnership and the individual defendant. The fine against the partnership defendant was remitted.

10349. Adulteration and misbranding of Bragg B Forto-Fide Tablets. U. S. v. 394 Dozen Bottles of Bragg B Forto-Fide Tablets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17529. Sample No. 16054-H.)

LIBEL FILED: March 22, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 23, 1945, by the Live Food Products Co., from Burbank, Calif.

PRODUCT: 122 dozen bottles, each containing 45 tablets, 265 dozen bottles, each containing 195 tablets, and 7 dozen bottles, each containing 400 tablets, of Bragg B Forto-Fide Tablets at Chicago, Ill. These tablets contained less than the declared amount of vitamin B₂, and 4 tablets would not provide the minimum daily adult or child's requirement for vitamin B₂, as claimed on the label.

LABEL, IN PART: "Bragg B Forto-Fide."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₂ (riboflavin), had been in part omitted from the article.

Misbranding, Section 403 (a), the statements on the label, "Four Tablets (the suggested daily ration) provide * * * Vitamin B₂—2 Mg. (2000 micrograms) * * * Four tablets provide the minimum daily adult or child's requirements of vitamin B₂," were false and misleading.

DISPOSITION: August 21, 1946. The W. T. Thompson Co., Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and relabeling in conformity with the law, under the supervision of the Federal Security Agency.

10350. Adulteration of vitamin tablets. U. S. v. 112,000 Vitamin Tablets. Default decree of condemnation. Product ordered delivered to charitable institutions or sold. (F. D. C. No. 15928. Sample No. 18904-H.)

LIBEL FILED: April 19, 1945, District of Minnesota.

ALLEGED SHIPMENT: On or about November 6, 1944, by the William T. Thompson Co., from Los Angeles, Calif.

PRODUCT: 112,000 vitamin tablets at Minneapolis, Minn. Examination showed that the product was 25 percent deficient in vitamin B₁ and 30 percent deficient in vitamin G (B₂).

LABEL, IN PART: (Bottles and boxes) "Vita-Max Three Nuggets One with each meal, daily, provide: * * * Vitamin B-1 1,000 U. S. P. Units * * * Vitamin G (B-2) 2,000 Micrograms."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁ and riboflavin, had been in whole or in part omitted from the product.

DISPOSITION: Vitamins Inc., Minneapolis, Minn., claimant, filed an answer denying that the article was adulterated. On May 23, 1946, the claimant having failed to appear, the court, after hearing, found the product to be adulterated as alleged and ordered its condemnation. The decree provided that upon payment of costs and the execution of a bond within 30 days, the claimant might obtain release of the product for relabeling under the supervision of the Food and Drug Administration. On October 18, 1946, the claimant having failed to appear, the product was ordered delivered to charitable institutions or sold under proper labeling.

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¹ (10204, 10237, 10268, 10269) Permanent injunction issued.² (10261) Prosecution contested.

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Alpha Aromatic Laboratories:		Basic Food Materials, Inc.:	
food colors	10341	buckwheat	10241
American Flours, Inc.:		pepper, imitation	10336
enriched flour	10234	Baxter & Kerr, Inc.:	
Armour Creameries:		frozen rosefish fillets	10288
butter	10265, 10266	Bay State Milling Co.:	
Associated Frozen Food Packers, Inc.:		rye meal, whole wheat flour, cracked wheat flour, and rye flour	10228
canned plums	10298		

¹ (10204, 10237, 10268, 10269) Permanent injunction issued.³ (10297) Prosecution contested; motion to quash denied.⁴ (10340) Seizure contested. Contains opinion of the court.

	N. J. No.		N. J. No.
Beely, Sam:		Champion Rice Mills of Tennes-	
cream-----	10274	see:	
Berkshire Provision Wholesale		granulated rice-----	10249
Co.:		Chapin, L. E.:	
pork sausage meat-----	10325	Colby cheese-----	10271
Blair Milling Co.:		Chesapeake Creameries:	
self-rising flour-----	10230	cream-----	10274
Block Brothers:		Christian, M. R.:	
black walnut meats-----	10330	Cheddar cheese and process	
Blue River Packing Co.:		cheese-----	10270
tomato puree-----	10319	Cinderella Foods:	
Bluebird Candy Co.:		peanut butter-----	10333
coconut parfait, maple creams,		Coast Grocery Co.:	
and caramels-----	10256	canned mackerel-----	10285
Bonner Packing Co.:		Coburn, Henry, Storage & Ware-	
raisins-----	10303, 10304	house Co.:	
Booth Fisheries Canadian Co.,		popcorn-----	10246
Ltd.:		Coffaro, J., & Sons:	
dressed whitefish-----	10291	macaroni and noodle products_	10239
Bowers, M. K.:		Cole, H. W.:	
cream-----	10274	frankforts-----	10324
Bromberg, M. D.:		Cole, H. W., & Co. See Cole,	
brown chicle-----	10344	H. W.	
Brooks, T. E.:		Confectioners Traffic Bureau:	
imitation pepper-----	10335	mincemeat-----	10345
Brown, R. E.:		Consolidated Nut Co.:	
cream-----	10274	shelled walnuts-----	10331
Brown, Cecil, Fig Co.:		Cooper, M. See Shahbaz, Ben-	
peach preserves-----	10308	jamin.	
Brown, Lee, Co. See Lee Brown		Cork, H. L.:	
Co.		cream-----	10274
Burrus Mill & Elevator Co.:		Craddock Canning & Preserve	
corn meal-----	10211	Co.:	
Butter-Krust Toast Co.:		blackberries, frozen-----	10305, 10306
rye hardtack-----	10209	blueberries and dewberries,	
Calavo, Inc:		frozen-----	10306
dates-----	10299, 10300	Crispo Cake Cone Co.:	
California Best Products Co.:		ice cream cones-----	10207
tomato puree-----	10320	Cudahy Packing Co.:	
California Sea Food Co.:		butter-----	10264
canned mackerel-----	10285	Cuonzo, Vincent:	
Califruit Canning Co.:		macaroni products----- ¹	10237
canned tomatoes, tomato puree,		Dairy Products Marketing Assoc.:	
and tomato paste-----	10322	butter-----	10265
Caracanda Brothers Co.:		Dannheim, A. H., and D. A.:	
candy-----	10255	butter-----	10262
Cardinale, Andrew, Dominick,		Del-Mar Co.:	
and Joseph:		Catsup Style Sauce-----	10323
macaroni products----- ¹	10237	Delaware Mushroom Cooperative	
Cardinale Macaroni Mfg. Co.,		Assoc.:	
Inc.:		canned mushrooms-----	10311
macaroni products----- ¹	10237	Delicious Cookie Co.:	
Carol Lynn Products Co.:		ice box cookies-----	10208
candy-----	10257	Denison Poultry & Egg Co.:	
Caruso Products Distributing		butter-----	10265
Corp.:		Des Moines Produce Co.:	
tomato puree and tomato paste_	10321	shell eggs-----	10279
Ceeke, Mrs. Thomas:		Dobry Flour Mills, Inc.:	
dried mushrooms-----	10312	corn meal-----	10210

¹ (10204, 10237, 10268, 10269) Permanent injunction issued.

	N. J. No.		N. J. No.
Doud Milling Co.:		Harp, O. G., Poultry & Egg Co.	
pancake flour and corn meal	10222	See Harp, O. G.	
Duffy Mott Co., Inc.:		Hartford Baking Co.:	
dried prunes	10302	whole wheat flour	10233
Economou, C.:		Henningsen Denison, Inc.:	
salt	10346	frozen whole eggs	10280
Empire State Cheese Co.:		Herman, Meyer:	
cheese products	¹ 10269	bread and cake	10206
Fairmont Creamery Co.:		Higgins, Wm. A., & Co.:	
cream	10274	cashew nuts	10332
Fall River Canning Co.:		Hill, H. G., Stores:	
canned peas	10314	butter	10264
Fisher, C. W., and H. L.:		Horton, M. E., Inc.:	
Cheddar cheese and process		macaroni and noodle products	10238
cheese	10270	Houston Terminal Warehouse &	
Fisher Dairy & Cheese Co.:		Cold Storage Co.:	
Cheddar cheese and process		flour, soybean	10231
cheese	10270	popcorn	10248
Fresh Grown Preserve Corp.:		Hunt Brothers Packing Co.:	
jams, jellies, and preserves	10309	apricots, asparagus, and fruit	
Gendel, Sam:		cocktail, canned	10296
walnut meats and candy	10329	cherries, canned	10295, 10296
General Baking Co.:		Indiana Macaroni Co.:	
rye flour	10227	macaroni and noodle products	10238
General Grocer Co.:		International Yogurt Co.:	
canned pears	³ 10297	Yogurt Culture	10348
General Mills, Inc.:		Kar Nut Products Co.:	
plain flour, rye flour, whole		candy	10258
wheat flour, pastry flour, and		Katz, Ben:	
self-rising flour	10221	rye graham flour	10226
General Products Co. See		Katz, Ben, Etra Mills. See Katz,	
Brooks, T. E.		Ben.	
Genovese, Joseph:		Kellogg, Spencer, & Sons, Inc.:	
macaroni products	¹ 10237	Soyflake flour	10232
Geyer & Adams Co.:		Kellogg Sales Co.:	
flour	10217	corn meal	10212
Giessing Flour Mills:		Kleckner, David, & Son, Inc.:	
flour	10218	coal-tar colors and flavors	10343
Gold, Nestor:		Klindt-Geiger Canning Co.:	
walnut meats and candy	10329	canned peas	10316
Golden State Co., Ltd.:		Lange Canning Corp.:	
milk	10273	canned peas	10315
Goldsmith, F. M.:		Langiewicz, A.:	
jam	10307	dried mushrooms	10312
Gorton-Pew Fisheries Co., Ltd.:		Lee Brown Co.:	
codfish cakes	10293	frozen turkeys	10327
Great Atlantic & Pacific Tea Co.:		Lehigh Valley Railroad:	
butter	10263	shell eggs	10279
Grocers Wholesale Co.:		Lexington Roller Mills, Inc.:	
noodle soup mix	10240	phosphated flour, self-rising	
Grosz, M. D.:		flour, and corn meal	10224
Patten's Vitamin and Mineral		Licht, M., & Son:	
Tablets, Multiplex Tablets,		chow chow	10339
and Hi-B Complex Tablets	10347	Linzmeier, S. I.:	
Gurley Chocolate Co.:		rennet extract	10277
candy	10254	Live Food Products Co.:	
Harp, O. G.:		Bragg B Forto-Fide Tablets	10349
butter	² 10261		

¹ (10204, 10237, 10268, 10269) Permanent injunction issued.² (10261) Prosecution contested.³ (10297) Prosecution contested; motion to quash denied.

	N. J. No.		N. J. No.
Lodrigues Brothers:		National Cereal Products Co.:	
frozen shrimp-----	10294	chocolate-flavored sirup-----	10259
Log Cabin Baking Co.:		Neal, H. W.:	
flour-----	10216	candy, pretzels, and salted	
Los Angeles Nut House:		almonds-----	10251
walnut meats and candy-----	10329	Nebraska Candy Concessions,	
Lowenfels, F. F., & Son:		Inc.:	
butter-----	10262	popcorn-----	10247
McDonald, Inez:		Neilzel, Otto:	
jams and jellies-----	10310	dried mushrooms-----	10312
McGregor Wholesale Grocery		New England Cold Storage Co.:	
Co.:		frozen rosefish fillets-----	10287
canned peas-----	10316	New Ulm Dairy. <i>See</i> Dannheim,	
Mackenzie Candy Co.:		A. H., and D. A.	
candy-----	10253	New York Cheese Co.:	
Mactavish Preserves Co. <i>See</i>		Provoloni cheese-----	10272
Goldsmith, F. M., and Wolf,		Nielson, H. J.:	
Ludwig.		frozen turkeys-----	10328
Maggio, Ignazio:		Novak, Ed J.:	
macaroni products----- ¹	10237	dried mushrooms-----	10312
Maine Fillet Co., Inc.:		Old Point Fish Co., Inc.:	
frozen rosefish fillets-----	10287	frozen rosefish fillets-----	10289
Malzone, Fred:		Olean Ice Cream Co.:	
candy-----	10250	cheese products----- ¹	10269
Mantis, Louis:		Pappas, C., Co., Inc.:	
bakery products----- ¹	10204	flour, rice, and green split peas--	10220
Marino, J. A.:		Parrott & Co.:	
cheese products----- ¹	10269	canned mackerel-----	10285
Martin Baking Co.:		Party Snax Food Products Co.	
bread and cake-----	10206	<i>See</i> Neal, H. W.	
Maryland Baking Co., Inc.:		Patten Concentrates, Inc.:	
ice cream cones-----	10207	Patten's Vitamin and Mineral	
Mattia, F. C.:		Tablets, Multiplex Tablets,	
food colors-----	10342	and Hi-B Complex Tablets--	10347
Medzilka, Carl:		Pecos Valley Alfalfa Mill Co.:	
dried mushrooms-----	10312	alfalfa meal-----	10284
Melba Sweets Co.:		Peter Fox Sons Co.:	
candy-----	10250	butter-----	10265
Melody Farms, Inc.:		Pillsbury Flour Mills:	
ice box cookies-----	10208	pastry flour, whole wheat flour,	
Merchants Creamery Co.:		rye flour, plain flour, and	
condensed buttermilk-----	10275	wheat bran-----	10223
Merchants Refrigerating Co.		Piras, John:	
(Terminal & Transporta-		macaroni products----- ¹	10237
tion Warehouse):		Plantation Extract Corp.:	
yellow mustard seed-----	10338	vanilla extract----- ⁴	10340
Merchants Wholesale Grocery		Porkie Co.:	
Co.:		smoked fish-----	10292
flour-----	10215	Prats, C. L.:	
Miami Margarine Co.:		chili peppers-----	10334
oleomargarine-----	10276	Prats, C. L., Chili Co. <i>See</i> Prats,	
Midland Flour Milling Co.:		C. L.	
flour-----	10219	Premier Color Works. <i>See</i> Mat-	
Monarch Milling Co.:		tia, F. C.	
enriched phosphated flour----	10236	Progressive Fillet Co.:	
Myers, J. F.:		frozen rosefish fillets-----	10289
candy-----	10252	Red-EE Foods, Inc.:	
Myers, Joe Franklin, Industries.		corn bread mix-----	10242
<i>See</i> Myers, J. F.			

¹ (10204, 10237, 10268, 10269) Permanent injunction issued.⁴ (10340) Seizure contested. Contains opinion of the court.

	N. J. No.		N. J. No.
Rezzolla, J. R., Sr.:		Superior Biscuit Co., Inc.:	
macaroni and noodle products	10238	cookies	10205
Rich, E. C., Inc.:		Tampico Creamery. <i>See</i> Chapin,	
stuffed dates	10301	L. E.	
Richter, Arnold:		Tarantine, C. M.:	
dried mushrooms	10312	cheese products	¹ 10269
Ronzani, Frank:		Taylor Seed Co.:	
rennet paste	10278	popcorn	10245
Rosenberg Bros. & Co.:		Terminal Flour Mills Co.:	
dried prunes	10302	flour	10214
Rosenberg, Morris, Co.:		Thomas, B. L.:	
popcorn	10243, 10244	cream	10274
Schlosser Brothers, Inc.:		Thompson, William T., Co.:	
butter	10263	vitamin tablets	10350
Schoenfeld, H., Sons:		Tille, Richard:	
anchovy fillets	10286	Yogurt Culture	10348
Sea Board Supply Co.:		Tracy, Mrs. George D., Poultry &	
crab meal (poultry feed)	10283	Eggs:	
Sethness Products Co.:		dressed poultry	10326
505 Fermentation Inhibitor	10201	Trinidad Bean & Elevator Co.:	
Sepco	10202	green split peas	10317
Shahbaz, Benjamin:		Uddo & Taormina Co.:	
cookies	10205	pepper piccalilli	10337
Sibert, J. W.:		Val Vita Food Co.:	
cream	10274	canned asparagus	10296
Sirowitz, Joseph:		Victory Produce Co.:	
food colors	10341	dates	10300
Slade Gorton Co.:		Warner Dog Food Co., Inc.:	
frozen rosefish fillets	10288	dog feed	10282
Spider Island Fisheries:		Weber Flour Mills Co.:	
dressed whitefish	10291	enriched phosphated flour	10235
Standard Fish Co.:		Weona Food Stores, Inc.:	
frozen whiting fillets	10280	butter	10264
Stanislaus Canning Co.:		Wescott, H. P.:	
tomato puree	10321	cheese and cheese products	¹ 10268
Stepanek, Joe, Jr.:		Wescott Cheese Co. <i>See</i> Wescott,	
dried mushrooms	10313	H. P.	
Stethopulos, Peter, and Thomas:		Wescott Cheese Factory. <i>See</i>	
bakery products	¹ 10204	Wescott, H. P.	
Stickley, A. T.:		Wilson & Co.:	
cream	10274	butter	10264
Stockton Food Products, Inc.:		Wisconsin Dairy Laboratory:	
tomato puree	10318	rennet extract	10277
Stringer, Floyd:		Wolf, Ludwig:	
dried mushrooms	10313	jam	10307
Sugar Creek Creamery Co.:		Wolff Milling Co.:	
butter	10264, 10267	phosphated flour	10225
Sunshine Packing Corp.:		Worthington Creamery & Pro-	
strawberry juice and red rasp-		duce Co.:	
berry puree	10203	frozen mixed eggs	10281

¹ (10204, 10237, 10268, 10269) Permanent injunction issued.

ERRATA

P. 341, F. N. J. 10001: After LABEL, IN PART change "Estrex" to "Esterex."

P. 415, column 1: After "Esterex (beverage stabilizer)" change "1001, 1002" to "10001, 10002."

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

10351-10500

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

MAURICE COLLINS, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *August 1, 1947.*

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BEVERAGES AND BEVERAGE MATERIALS*

10351. Misbranding of ale. U. S. v. 59 Cases * * *. (F. D. C. No. 21956. Sample No. 64545-H.)

LIBEL FILED: December 9, 1946, District of New Jersey.

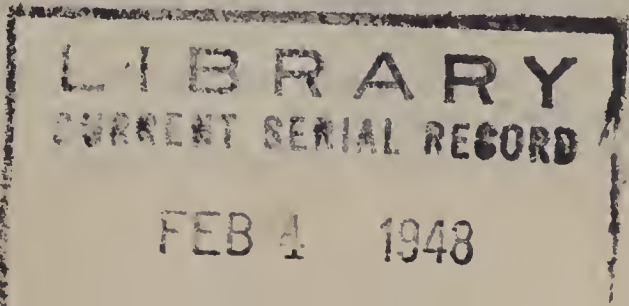
ALLEGED SHIPMENT: On or about October 28, 1946, by Edward and John Burke, Ltd., from Long Island City, N. Y.

PRODUCT: 59 cases, each containing 24 12-ounce bottles, of ale at Newark, N. J. Examination showed that the product was short-volume.

LABEL, IN PART: "Burke's Ale Contents 12 Fluid Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents.

*See also Nos. 10394, 10463-10466.



DISPOSITION: February 10, 1947. Edward and John Burke, Ltd., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the bottles be emptied of their contents, under the supervision of the Food and Drug Administration.

10352. Adulteration of beer. U. S. v. 1,021 Cases * * * (and 7 other seizure actions). (F. D. C. Nos. 21174, 21315 to 21317, incl., 21348, 21354, 21420, 21422. Sample Nos. 16496-H, 36197-H, 39817-H, 39818-H, 40750-H, 40784-H, 41505-H, 48030-H, 48031-H.)

LIBELS FILED: Between the dates of October 9 and November 6, 1946, Western District of Oklahoma, Eastern District of Missouri, Northern District of Illinois, and District of New Mexico.

ALLEGED SHIPMENT: Between the approximate dates of September 12 and 27, 1946, by King Cole Breweries, Inc., from Chicago Heights, Ill.

PRODUCT: Beer. 1,021 cases at Clinton, Okla., 222 cases at St. Louis, Mo., 140 cases at Cape Girardeau, Mo., 12 cases at De Soto, Mo., 1,494 cases at Faithorn, Ill., and 1,800 cases at Albuquerque, N. Mex. Each case contained 24 12 fluid-ounce bottles of beer.

LABEL, IN PART: "Headlite Lager Beer," or "Lager King's Brew Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice.

DISPOSITION: November 26 and December 3 and 9, 1946. The King Cole Breweries Co., Inc., having appeared as claimant for the Clinton, Cape Girardeau, Faithorn, and one of the St. Louis lots, and having consented to the entry of decrees, and no claimant having appeared for the other 2 St. Louis lots, or the De Soto and Albuquerque lots, judgments of condemnation were entered. It was ordered that the Clinton, Cape Girardeau, Faithorn, and 1 St. Louis lot be released under bond, conditioned that the contents be destroyed. The other 2 St. Louis lots and the De Soto lots were ordered destroyed and the containers sold. The Albuquerque lot was ordered destroyed.

10353. Adulteration of beer. U. S. v. 2,000 Cases * * *. F. D. C. No. 21844, Sample No. 71060-H.)

LIBEL FILED: December 9, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about October 31, 1946, by the Koller Brewing Co., from Chicago, Ill.

PRODUCT: 1,000 cases, each containing 24 12-ounce bottles, and 1,000 cases, each containing 12 quart bottles, of beer at San Bernardino, Calif.

LABEL, IN PART: "Kollers Topaz Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: January 17, 1947. Albin J. Carlson, San Bernardino, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the beer be destroyed under the supervision of the Federal Security Agency.

10354. Adulteration of beer. U. S. v. 27 Cases * * *. (F. D. C. No. 21421. Sample No. 45232-H.)

LIBEL FILED: November 5, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about September 26, 1946, by Den Mar Distributors, from Chicago, Ill.

PRODUCT: 27 cases, each containing 24 12-ounce bottles, of beer at Bakersfield, Calif.

LABEL, IN PART: "Headlite Lager Beer * * * King Cole Breweries, Inc., Chicago Heights, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: January 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10355. Adulteration of beer. U. S. v. 324 Bottles * * *. (F. D. C. No. 21759. Sample No. 69312-H.)

LIBEL FILED: On or about November 23, 1946, Western District of Michigan.

ALLEGED SHIPMENT: On or about November 7, 1946, by the Atlantic Brewing Co., from Chicago, Ill.

PRODUCT: 324 1/2-gallon bottles of beer at Benton Harbor, Mich.

LABEL, IN PART: "Tavern Beer Pale."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: December 20, 1946. No claim having been made for the beer, judgment was entered ordering that the beer be destroyed and that the bottles and other containers be returned to the shipper or consignee.

10356. Misbranding of beer. U. S. v. 1,260 Cases * * *. (F. D. C. No. 21819. Sample Nos. 50105-H, 70550-H.)

LIBEL FILED: December 2, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about September 23, 1946, by Old Dutch Brewers, Inc., from Vanderveer Park, N. Y.

PRODUCT: 1,260 cases, each containing 24 12-fluid ounce bottles, of beer at Los Angeles, Calif. Examination showed that the article was short-volume.

LABEL, IN PART: "Contents 12 Fluid Oz. Lion New York's Famous Pilsener Beer."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: December 20, 1946. The Ken-Win Distributing Co., Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be distributed for charitable use, under the supervision of the Federal Security Administrator.

10357. Adulteration of coffee. U. S. v. 87 Bags * * *. (F. D. C. No. 22342. Sample No. 50335-H.)

LIBEL FILED: December 30, 1946, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about December 18, 1946, by S. Jackson and Son, Inc., from New Orleans, La.

PRODUCT: 87 bags, each containing approximately 130 pounds, of coffee at Nashville, Tenn.

LABEL, IN PART: "Cafe Do Brasil Poor Skims."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or part of a decomposed substance by reason of the presence of mold.

DISPOSITION: February 6, 1947. The Dobson Company, Nashville, Tenn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law by eliminating the unfit portion, under the supervision of the Federal Security Agency.

10358. Adulteration of fruit-flavored sirup. U. S. v. 1 Bottle and 70 Cases * * *. (F. D. C. No. 21309. Sample Nos. 54650-H to 54652-H, incl.)

LIBEL FILED: October 30, 1946, Southern District of Georgia.

ALLEGED SHIPMENT: On or about August 29 and September 5, 1946, by the Economy Wholesale Grocery Co., Jacksonville, Fla., from Ocala, Fla.

PRODUCT: 1 gallon bottle of grape-flavored sirup, 41 cases, each containing 4 1-gallon bottles, of orange-flavored sirup, and 29 cases, each containing 4 1-gallon bottles, of strawberry-flavored sirup at Brunswick, Ga.

LABEL, IN PART: "L & M * * * Grape [or "Orange," or "Strawberry"] Flavored Syrup * * * Distributed by Laurie-Massey Dade City Florida."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in part omitted from the articles; Section 402 (b) (2), fruit-flavored sirups containing saccharin had been substituted in whole or in part for fruit-flavored sirups containing sugar, which the articles were represented to be; and, Section 402 (b) (4), a substance, saccharin, having no food value, had been added to the articles so as to make them appear to be better and of greater quality than they were.

DISPOSITION: January 29, 1947. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS*

10359. Adulteration and misbranding of enriched bread and honey cracked wheat bread. U. S. v. Jessee Baking Co. Plea of guilty. Fine, \$2,000. (F. D. C. No. 21503. Sample Nos. 48236-H, 48238-H.)

LIBEL FILED: January 10, 1947, District of Colorado, against the Jessee Baking Co., a corporation, Sterling, Colo.

ALLEGED SHIPMENT: On or about July 19, 1946, from the State of Colorado into the State of Nebraska.

LABEL, IN PART: "Jessee's If It's Jessees It's Good Bread Enriched," or "Mrs. Jessee's Honey Cracked Wheat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence, in the enriched bread, of a rodent hair, plant tissue, and carbonaceous material, and, in the "Honey Cracked Wheat Bread," of insect parts and insect fragments; and, Section 402 (a) (4), the articles had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (f), certain information required by law to appear on the label was not prominently placed thereon with such conspicuousness as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. The name and place of business of the manufacturer, packer, or distributor, an accurate statement of the quantity of the contents, and the common or usual name of each ingredient of the article were printed indistinctly in small type on the labels of the "Honey Cracked Wheat Bread." The information prescribed by the regulations as necessary in order fully to inform purchasers as to the value of the article for special dietary uses was printed indistinctly and in small type on the labels of the enriched bread.

Further misbranding, Section 403 (k), the enriched bread contained a chemical preservative, sodium propionate, and failed to bear labeling stating that fact; and, Section 403 (a), the label statement "Honey Cracked Wheat" was false and misleading since the bread so labeled actually contained no honey.

DISPOSITION: January 14, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500 on each count, a total fine of \$2,000.

10360. Adulteration of ice cream cones and cups. U. S. v. Maryland Baking Co. and Harry S. Hyman. Pleas of guilty. Fine of \$750 and costs against each defendant. (F. D. C. No. 21493. Sample Nos. 3747-H to 3751-H, incl., 41954-H, 41957-H.)

INFORMATION FILED: December 2, 1946, District of Maryland, against the Maryland Baking Co., Baltimore, Md., and Harry S. Hyman, vice president and plant manager.

ALLEGED SHIPMENT: Between the approximate dates of July 21 and September 7, 1946, from the State of Maryland into the State of Virginia.

*See also No. 10364.

LABEL, IN PART: "Flavor-ized Eat-It-All Cake Cups," "Everbest - Cake Cones," "Torch Cup Cake Cones," or "Mabco Cake Cones."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of adult insects, insect larvae and pupae, larval cast skins and head capsules, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 17, 1947. Pleas of guilty having been entered on behalf of both defendants, the court imposed a fine of \$750 and costs against each defendant.

CORN MEAL

10361. Adulteration of corn meal. U. S. v. Gwinn Brothers & Co., a corporation, and James A. Gwinn. Pleas of guilty. Corporate defendant fined \$800; individual defendant placed on probation for 3 years. (F. D. C. No. 16627. Sample No. 52586-H.)

INDICTMENT RETURNED: May 14, 1946, Southern District of West Virginia, against Gwinn Brothers & Co., a corporation, Huntington, W. Va., and James A. Gwinn, secretary and manager.

ALLEGED SHIPMENT: On or about October 22, 1945, from the State of West Virginia into the State of Kentucky.

LABEL, IN PART: "Gwinn's Table Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: October 31, 1946. Pleas of guilty having been entered on behalf of both defendants, the court imposed a fine of \$800 on the corporate defendant and ordered that the individual defendant be placed on probation for a period of 3 years.

10362. Adulteration of corn meal. U. S. v. 100 Sacks * * *. (F. D. C. No. 21642. Sample No. 42946-H.)

LIBEL FILED: November 13, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about August 7, 1946, by the Eagle Roller Mill Co., from New Ulm, Minn.

PRODUCT: 100 100-pound sacks of corn meal at Baltimore, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, insect excreta and webbing, and rodent hair fragments.

DISPOSITION: January 2, 1947. Louis Proietti, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured for use as animal feed, under the supervision of the Federal Security Agency.

10363. Adulteration of corn meal. U. S. v. 126 Bags * * *. (F. D. C. No. 22118. Sample No. 54739-H.)

LIBEL FILED: December 23, 1946, Southern District of Georgia.

ALLEGED SHIPMENT: On or about October 3, 1946, by the Western Grain Co., from Birmingham, Ala.

PRODUCT: Corn meal. 78 bags, each containing 8 5-pound paper bags, 32 bags, each containing 12 2-pound paper bags, and 16 100-pound bags at Savannah, Ga.

LABEL, IN PART: "Cabin Home Enriched Old Style-Unbolted Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent excreta fragments.

DISPOSITION: February 14, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for use as animal feed.

FLOUR

Nos. 10364 to 10368 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.) The flour reported in No. 10369 failed to meet the standard for enriched flour.

10364. Adulteration of pastry flour and doughnuts. U. S. v. J. C. Clanton (Sunrise Do-Nut Co.). Plea of guilty. Fine, \$500. (F. D. C. No. 21542. Sample Nos. 40476-H, 40752-H.)

INFORMATION FILED: January 22, 1947, Eastern District of Missouri, against J. C. Clanton, trading as the Sunrise Do-Nut Co., St. Louis, Mo.

ALLEGED SHIPMENT: On or about September 11, 1946, from the State of Missouri into the State of Illinois.

LABEL, IN PART: (Flour) "Sunrise Doughnut Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 28, 1947. A plea of guilty having been entered by the defendant, the court imposed a fine of \$250 on each count, a total fine of \$500.

10365. Adulteration of flour. U. S. v. 1,120 Bags * * *. (F. D. C. No. 21907. Sample Nos. 64704-H, 64705-H.)

LIBEL FILED: December 4, 1946, Eastern District of New York.

ALLEGED SHIPMENT: On or about October 12 and 14, 1946, by the Montana Flour Mills Co., from Great Falls, Mont.

PRODUCT: 1,120 140-pound bags of flour at Long Island City, N. Y.

LABEL, IN PART: "Sapphire * * * Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of webbing, insect fragments, and insect excreta.

DISPOSITION: January 6, 1947. The Montana Flour Mills Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

10366. Adulteration of flour. U. S. v. 572 Sacks * * *. (F. D. C. No. 21641. Sample No. 41693-H.)

LIBEL FILED: November 13, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about July 26, 1946, by the Commander Milling Co., from Minneapolis, Minn.

PRODUCT: 572 140-pound sacks of bakery flour at Baltimore, Md.

LABEL, IN PART: "Hi-Ex Bakery Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and insect excreta and webbing.

DISPOSITION: December 18, 1946. The Doughnut Corporation of America, Ellicott City, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration, so that it could not be used for human food.

10367. Adulteration of flour. U. S. v. 600 Sacks * * *. (F. D. C. No. 21643. Sample No. 42947-H.)

LIBEL FILED: November 13, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about August 7, 1946, by Schultz, Baujan & Co., from Beardstown, Ill.

PRODUCT: 600 100-pound sacks of flour at Baltimore, Md.

LABEL, IN PART: "Emergency Grade Flour Unbleached Hard Winter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, insect excreta and webbing, and rodent hair fragments.

DISPOSITION: December 18, 1946. The Doughnut Corporation of America, Ellicott City, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration, so that it could not be used for human food.

10368. Adulteration of flour. U. S. v. 100 Bags * * *. (F. D. C. No. 21953. Sample No. 54334-H.)

LIBEL FILED: December 5, 1946, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about August 2, 1946, by Commander Milling Co., from Buffalo, N. Y.

PRODUCT: 100 100-pound bags of flour at Greensboro, N. C.

LABEL, IN PART: "Hi-Ex Bakery Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and urine.

DISPOSITION: December 11, 1946. The consignee of the product having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

10369. Adulteration and misbranding of enriched phosphated flour. U. S. v. 250 Bags * * *. (F. D. C. No. 21696. Sample No. 50061-H.)

LIBEL FILED: November 12, 1946, Middle District of Alabama.

ALLEGED SHIPMENT: On or about September 27, 1946, by the Hanover Star Milling Co., from Germantown, Ill.

PRODUCT: 250 25-pound bags of enriched phosphated flour at Greenville, Ala.

LABEL, IN PART: "Flour Magnificent Brand Enriched Bleached Phosphated."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine (vitamin B₁) and iron, had been in part omitted from the article. Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since it contained less than 2.0 milligrams of thiamine (vitamin B₁) and less than 13.0 milligrams of iron, per pound.

DISPOSITION: January 23, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Alabama State Department of Corrections and Institutions, for the use of charitable institutions.

MACARONI AND NOODLE PRODUCTS

10370. Adulteration of noodles. U. S. v. 123 Cartons * * *. (F. D. C. No. 21634. Sample No. 44927-H.)

LIBEL FILED: November 13, 1946, District of Arizona.

ALLEGED SHIPMENT: On or about April 18, 1946, by the Oriental Food Products Co., from Los Angeles, Calif.

PRODUCT: 123 cartons, each containing 24 4½-ounce bottles, of noodles at Phoenix, Ariz.

LABEL, IN PART: "Jan'U-Wine * * * Chow Mein Noodles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and larvae, and of a decomposed substance by reason of its being rancid; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 10, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10371. Adulteration of spaghetti. U. S. v. 22 and 34 Cases * * *. (F. D. C. Nos. 21266, 21267. Sample Nos. 57212-H, 57213-H.)

LIBELS FILED: October 22 and 23, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 23, 1946, by the Connecticut Macaroni Co., Inc., from New Haven, Conn.

PRODUCT: 56 20-pound cases of spaghetti at Springfield, Mass.

LABEL, IN PART: "Marca Roma Superior Quality Macaroni * * * Spaghetti," or "Gloria Special Brand Macaroni * * * Spaghetti."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 4, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered denatured and disposed of as animal feed.

10372. Adulteration of spaghetti. U. S. v. 322 Cases * * *. (F. D. C. No. 21695. Sample No. 38887-H.)

LIBEL FILED: November 7, 1946, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about July 16, 1946, by the Tony Bonnelle Co., from Belleville, Ill.

PRODUCT: 322 cases, each containing 24 16-ounce jars, of spaghetti at Milwaukee, Wis.

LABEL, IN PART: "Tony Bonnelle's Famous De Luxe Spaghetti."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION. December 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS CEREAL PRODUCTS

10373. Adulteration of brewers flakes. U. S. v. 140 Bags * * *. (F. D. C. No. 21192. Sample No. 52758-H.)

LIBEL FILED: October 14, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 6, 1946, by Mt. Vernon Milling Co., from Mount Vernon, Ind.

PRODUCT: 140 100-pound bags of brewers flakes at Cleveland, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, insect fragments, and larvae fragments.

DISPOSITION: December 27, 1946. The Milan Brewing Corporation, Milan, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration.

10374. Adulteration of hominy grits. U. S. v. 550 Bags * * *. (F. D. C. No. 22341. Sample Nos. 39015-H, 69868-H.)

LIBEL FILED: December 30, 1946, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about November 7, 1946, by J. Saraquse, from Cairo, Ga.

PRODUCT: 550 5-pound bags of hominy grits at Detroit, Mich.

LABEL, IN PART: "Best Maid Hominy Grits."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent excreta fragments.

DISPOSITION: February 11, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

10375. Adulteration of popcorn. U. S. v. 89 Bags * * *. (F. D. C. No. 21378. Sample Nos. 48143-H to 48145-H, incl.)

LIBEL FILED: October 31, 1946, District of Utah.

ALLEGED SHIPMENT: On or about November 2 and December 6 and 7, 1945, by Zion's Wholesale Grocery, from Twin Falls, Idaho.

PRODUCT: 47 24-pound bags and 18 100-pound bags of popcorn at Provo, Utah.

LABEL, IN PART: (Portion) "Dickinson's Little Buster Hulless Popping Corn," or "Baby Golden Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and larvae.

DISPOSITION: January 10, 1947. No claimant having appeared, judgment was entered and the product was ordered destroyed by being utilized as animal feed.

10376. Adulteration of popcorn. U. S. v. 33 Bags * * *. (F. D. C. No. 21716. Sample No. 60071-H.)

LIBEL FILED: November 18, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about December 4, 1945, from Valley, Nebr.

PRODUCT: 33 100-pound bags of popcorn at Buffalo, N. Y., in the possession of Granger and Co., Niagara Frontier Food Terminal. The article was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the article contained rodent excreta and larvae.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10377. Adulteration of popcorn. U. S. v. 29 Bags * * *. (F. D. C. No. 21846. Sample No. 72636-H.)

LIBEL FILED: December 11, 1946, District of Utah.

ALLEGED SHIPMENT: On or about August 2, 1946, by the Peppard Seed Co., from Kansas City, Mo.

PRODUCT: 29 100-pound bags of popcorn at Salt Lake City, Utah.

LABEL, IN PART: "South American Yellow Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, insects, and insect parts.

DISPOSITION: January 13, 1947. The Intermountain Theatres Co., Inc., Salt Lake City, Utah, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration.

10378. Adulteration of rice. U. S. v. 452 Bags * * *. (F. D. C. No. 22394. Sample No. 73408-H.)

LIBEL FILED: January 17, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about October 21, 1946, from San Francisco, Calif.

PRODUCT: 452 100-pound bags of rice at Minneapolis, Minn., in the possession of the Sunland Manufacturing Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent-excreta was observed on them. Examination showed that the product contained rodent excreta and rodent hairs.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), the article may have become contaminated with filth.

DISPOSITION: January 27, 1947. The Sunland Manufacturing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

10379. Adulteration of rice. U. S. v. 360 Bags * * *. (F. D. C. No. 21736. Sample No. 72649-H.)

LIBEL FILED: November 21, 1946, District of Utah.

ALLEGED SHIPMENT: On or about January 23, 1946, by Haslett Pioneer Warehouse, from San Francisco, Calif.

PRODUCT: 360 100-pound bags of rice at Salt Lake City, Utah.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect excreta.

DISPOSITION: December 3, 1946. J. T. Iwanaga and Suzuko Iwanaga, claimants, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be cleaned under the supervision of the Food and Drug Administration.

10380. Adulteration of rice. U. S. v. 5 Bags * * *. (F. D. C. No. 22344. Sample No. 51696-H.)

LIBEL FILED: December 30, 1946, Northern District of Iowa.

ALLEGED SHIPMENT: On or about November 18, 1946, by Swift and Co., from Chicago, Ill.

PRODUCT: 5 100-pound bags of rice at Sioux City, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: January 27, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for use as animal feed.

10381. Adulteration of yellow rye dust. U. S. v. 20 Bags * * *. (F. D. C. No. 21326. Sample No. 51660-H.)

LIBEL FILED: October 16, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about September 9, 1946, by the Griffith Laboratories, from Chicago, Ill.

PRODUCT: 20 100-pound bags of yellow rye dust at St. Paul, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts, insect webbing, and rodent hairs.

DISPOSITION: December 3, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed unless denatured for use as animal feed, under the supervision of the Food and Drug Administration.

10382. Adulteration and misbranding of honey-flavored wheat cereal. U. S. v. 559 Cases * * *. (F. D. C. No. 21660. Sample No. 64637-H.)

LIBEL FILED: On or about November 27, 1946, District of Connecticut.

ALLEGED SHIPMENT: On or about October 25, 1946, by Ranger Joe, Inc., from Chester, Pa.

PRODUCT: 559 cases, each containing 24 6¼-ounce packages, of honey-flavored wheat cereal at Oakland, East Hartford, Conn.

LABEL, IN PART: "Ranger Joe Honey Flavored Wheat."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), puffed wheat coated with sweetening ingredients other than honey and containing little or no flavor of honey had been substituted for honey-flavored wheat, which the article was represented to be.

Misbranding, Section 403 (a), the label designations, "Honey Flavored Wheat" and "The Popped Wheat With the Honey Coating," were false and misleading as applied to puffed wheat coated with sweetening ingredients other than honey and containing little or no flavor of honey.

DISPOSITION: December 3, 1946. Ranger Joe, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled in compliance with the law, under the supervision of the Federal Security Agency.

10383. Misbranding of wheat germ. U. S. v. 50 Bags * * *. (F. D. C. No. 21769. Sample Nos. 32198-H, 71105-H.)

LIBEL FILED: November 27, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about October 24 and November 13, 1946, by the Crown Mills, from Portland, Oreg.

PRODUCT: 50 50-pound bags of wheat germ at Los Angeles, Calif. This product contained less than 50 percent of wheat germ.

LABEL, IN PART: "Crown Bakers Wheat Germ."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Wheat Germ" was false and misleading; and, Section 403 (b), a mixture containing less than 50 percent wheat germ had been offered for sale under the name "wheat germ."

DISPOSITION: January 22, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a county agency for distribution to various charitable institutions.

CHOCOLATE, SUGAR, AND RELATED PRODUCTS

CANDY

10384. Adulteration of candy bars. U. S. v. De Luxe Candy Co. and Emanuel Leviton. Pleas of guilty. Fine of \$75 against each defendant. (F. D. C. No. 21495. Sample Nos. 17697-H, 17698-H, 19358-H, 19359-H, 19781-H to 19783-H, incl.)

INFORMATION FILED: December 21, 1946, District of Minnesota, against the De Luxe Candy Co., a corporation, Minneapolis, Minn., and Emanuel Leviton, president and plant manager.

ALLEGED SHIPMENT: Between the approximate dates of July 22 and 30, 1946, from the State of Minnesota into the States of Michigan, Iowa, and Wisconsin.

LABEL, IN PART: "Luxy Bar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, mites, insect eggs, rodent hair fragments, and human hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 13, 1947. Pleas of guilty having been entered on behalf of both defendants, the court imposed a fine of \$75 against each defendant.

10385. Adulteration of candy. U. S. v. 44 Cases * * *. (F. D. C. No. 21939. Sample Nos. 57230-H, 57252-H.)

LIBEL FILED: December 16, 1946, District of New Hampshire.

ALLEGED SHIPMENT: On or about October 30 and November 18, 1946, by the Federal Candy Co., from Springfield, Mass.

PRODUCT: 44 cases, each containing 6 1-pound boxes, of candy at Keene, N. H.

LABEL, IN PART: "June Barbara Assorted Candies Manufactured by June Barbara Chocolate Co. Springfield, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 23, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10386. Adulteration of chocolate-covered peanuts. U. S. v. 29 Cases * * *. (F. D. C. No. 21360. Sample No. 48140-H.)

LIBEL FILED: October 30, 1946, District of Utah.

ALLEGED SHIPMENT: On or about April 21, 1946, by the F. Stark Products Co., from Chicago, Ill.

PRODUCT: 29 30-pound cases of chocolate-covered peanuts at Provo, Utah.

LABEL, IN PART: "Oval Brand Chocolate Dipped Peanuts Mfd. by Peanut Specialty Co. Chicago Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect parts, and webbing.

DISPOSITION: December 20, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed by being utilized as animal feed

10387. Adulteration of pecan nougat roll. U. S. v. 18 Cartons * * *. (F. D. C. No. 21347. Sample No. 48174-H.)

LIBEL FILED: October 22, 1946, District of Utah.

ALLEGED SHIPMENT: On or about July 17, 1946, by the Maurmann Candy Co., from Chicago, Ill.

PRODUCT: 18 cartons, each containing 12 8-ounce bars, of pecan nougat roll at Salt Lake City, Utah. Examination showed that the article was insect-infested.

LABEL, IN PART: "Gra-Maur Pecan Nougat Roll."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: December 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10388. Misbranding of wild cherry drops. U. S. v. 200 Boxes * * *. (F. D. C. No. 22129. Sample No. 65946-H.)

LIBEL FILED: December 26, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 6, 1946, by the Old Dominion Candy Corporation, from New York, N. Y.

PRODUCT: 200 boxes, each containing 60 cartons, of wild cherry drops at Souder-ton, Pa. Examination showed that the cartons contained only 9 pieces of candy, whereas 22 pieces could have been placed in the cartons. The article was also short-weight.

LABEL, IN PART: "Snows Wild Cherry Drops Imitation with Honey * * * Net Weight 1 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading; and, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents.

DISPOSITION: January 7, 1947. The Old Dominion Candy Corporation, New York, N. Y., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be repacked so as to bring it into compliance with the law, under the supervision of the Federal Security Agency.

CHOCOLATE AND CHOCOLATE PRODUCTS

10389. Adulteration of chocolate. U. S. v. 103 Bales * * *. (F. D. C. No. 21419. Sample Nos. 53194-H, 53479-H.)

LIBEL FILED: November 8, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 10, 1946, by the Overland Candy Corporation, from Chicago, Ill.

PRODUCT: 37 bales and 66 bales, each containing 20 10-pound slabs, of chocolate at Washington Court House, Ohio.

LABEL, IN PART: "Ambrosia Thindark Sweet Chocolate Manufactured by Ambrosia Chocolate Co. Milwaukee, Wis." or "General [or "General 85"] Sweet Chocolate with Added Emulsifier [or "King Dark Sweet Chocolate"] Manufactured by Rockwood & Co., Brooklyn, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: December 30, 1946. The Washington Court House Candy Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be

brought into compliance with the law, under the supervision of the Federal Security Agency.

10390. Adulteration of chocolate coating. U. S. v. 215 Bags * * *. (F. D. C. No. 21768. Sample No. 40564-H.)

LIBEL FILED: November 25, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of January 2 and September 5, 1946, by the Klein Chocolate Co., Inc., from Elizabethtown, Pa.

PRODUCT: 215 bags, each containing 20 10-pound bars, of chocolate coating at St. Louis, Mo.

LABEL, IN PART: "Klein's Sweet Chocolate Coating."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of live larvae and insect excreta.

DISPOSITION: December 27, 1946. The Chase Candy Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

10391. Adulteration of chocolate coating. U. S. v. 83 Bags * * *. (F. D. C. No. 21767. Sample No. 40563-H.)

LIBEL FILED: November 25, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 22, 1946, by the F. M. Paist Co., from Philadelphia, Pa.

PRODUCT: 83 bags, each containing between 5 and 20 10-pound bars, of chocolate coating at St. Louis, Mo.

LABEL, IN PART: "Klein's Liquor Chocolate Coating."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of live larvae and insect excreta.

DISPOSITION: December 27, 1946. The Chase Candy Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

10392. Adulteration of chocolate liquor. U. S. v. 3 and 24 Bags * * *. (F. D. C. No. 21745. Sample Nos. 53905-H, 53906-H.)

LIBEL FILED: November 25, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 13, July 2, and October 29, 1946, by the Bachman Chocolate Manufacturing Co., from Florin, Pa.

PRODUCT: 27 200-pound bags of chocolate liquor at Cleveland, Ohio.

LABEL, IN PART: "Bachman Fifty Chocolate Liquor," or "Bachman Chocolate Coating Added Emulsifier."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: December 9, 1946. The R-B Biscuit Co., Cleveland, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be purified, if possible, so as to be fit for human consumption; otherwise, it was to be denatured under the supervision of the Food and Drug Administration and disposed of as animal feed.

10393. Adulteration of chocolate sirup. U. S. v. 191 Cases * * *. (F. D. C. No. 21818. Sample No. 72635-H.)

LIBEL FILED: December 3, 1946, District of Utah.

ALLEGED SHIPMENT: On or about December 1, 1943, by Sullivan and Chambers, from Dallas, Tex.

PRODUCT: 191 cases, each containing 6 1-gallon jars, of chocolate sirup at Provo, Utah.

LABEL, IN PART: "Ed Chambers' Superior Fountain Syrups Chocolate Flavor," or "Jeepo Fountain Flavor Chocolate Flavor."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed by being utilized as animal feed.

SIRUPS AND SUGAR

10394. Adulteration of flavoring sirup. U. S. v. 1 Barrel * * *. (F. D. C. No. 21253. Sample No. 1482-H.)

LIBEL FILED: On or about October 24, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about August 6, 1946, by Laurie & Massey, Inc., from Dade City, Fla.

PRODUCT: 1 50-gallon barrel of flavoring sirup at Smyrna, Ga.

LABEL, IN PART: "From Laurie & Massey Distributors * * * to Greatwood Farm Dairy, Smyrna, Georgia Contents: Flavoring Syrups."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in whole or in part omitted from the article; Section 402 (b) (2), saccharin had been substituted in whole or in part for sugar in the article; and, Section 402 (b) (4), saccharin had been added to the article so as to make it appear better than it was.

DISPOSITION: December 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10395. Misbranding of sirup. U. S. v. 84 Drums * * *. (F. D. C. No. 21638. Sample No. 54568-H.)

LIBEL FILED: November 13, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about July 16, 1946, by the Commodity Sales Co., from Patoutville, La.

PRODUCT: 84 drums, containing a total of 4,906 gallons, of sirup at St. Petersburg, Fla.

LABEL, IN PART: "La Cane Syrup Packed by Enterprise Packers."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "La Cane Syrup" was false and misleading; and, Section 403 (b), the article was molasses and was offered for sale as cane sirup.

DISPOSITION: December 9, 1946. The Gerry and Charles Co., St. Petersburg, Fla., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

10396. Adulteration of sugar. U. S. v. 27 Bags * * *. (F. D. C. No. 18921. Sample No. 19733-H.)

LIBEL FILED: January 29, 1946, Southern District of Iowa.

ALLEGED SHIPMENT: On or about September 4 and 24, 1945, from Rocky Ford, Colo.

PRODUCT: 27 100-pound bags of sugar at Atlantic, Iowa, in the possession of the Atlantic Wholesale Grocery Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent excreta pellets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 7, 1946. No claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a public institution to be used for purposes other than human consumption; otherwise, it was to be destroyed.

DAIRY PRODUCTS

BUTTER

10397. Action to enjoin and restrain the interstate shipment of adulterated and misbranded butter. U. S. v. Potomac Creamery Co., Inc., and William G. McKay. Injunction granted. (Inj. No. 156.)

COMPLAINT FILED: November 19, 1946, District of Maryland, against the Potomac Creamery Co., Inc., of Hagerstown, Md., and William G. McKay, president of the corporation. The complaint alleged that since August 20, 1943, the defendants had been and were manufacturing butter under insanitary conditions whereby it had become, and was being, contaminated with filth; that the butter so manufactured was adulterated in violation of Section 402 (a) (3) and (4) in that it consisted in whole or in part of a filthy and decomposed substance, and had been prepared, packed, and held under insanitary conditions whereby it became, and was becoming, contaminated with filth. The complaint alleged further that the defendants were causing introduction and delivery for introduction into interstate commerce, butter which was misbranded in violation of Section 403 (e) (2) in that it failed to bear a label containing an accurate statement of the quantity of the contents. Investigation of interstate shipments and inspections of the creamery showed, among other conditions, the existence of the following: The defendants were accepting and using a material amount of decomposed cream in the manufacture of butter; butter produced, wrapped, and awaiting distribution at the plant was short-weight; shipments of butter made by the defendants were found to have been made from decomposed cream and to contain filth; the creamery was located in an old building which had unscreened doors and windows; flies and roaches had access to the plant; and the building was rat-infested, as evidenced by large numbers of rat pellets.

PRAYER OF COMPLAINT: That an injunction issue enjoining and restraining the defendants from commission of the acts complained of.

DISPOSITION: January 9, 1947. The defendants having consented to the entry of a decree, an injunction was issued restraining the defendants from introducing or delivering for introduction into interstate commerce adulterated and misbranded dairy products which the defendants had manufactured or would manufacture in the future.

10398. Adulteration of butter. U. S. v. 16 Cartons (1,040 pounds) * * *. (F. D. C. No. 21923. Sample No. 51771-H.)

LIBEL FILED: October 25, 1946, District of Massachusetts.

ALLEGED SHIPMENT: October 8, 1946, by Edgerton Cooperative Creamery Co., from Edgerton, Minn.

PRODUCT: 16 65-pound cartons of butter at Somerville, Mass.

LABEL, IN PART: "First National Stores Somerville, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 12, 1946. The Pipestone Produce Co., Somerville, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked under the supervision of the Federal Security Agency.

10399. Adulteration of butter. U. S. v. 12 Cartons (600 pounds) * * *. (F. D. C. No. 22125. Sample No. 51782-H.)

LIBEL FILED: November 12, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 23, 1946, by Turtle Lake Creamery, from Minot, N. Dak.

PRODUCT: 12 50-pound cartons of butter at Chicago, Ill.

LABEL, IN PART: (Wrapper) "Meadow Gold Butter Distributed by Beatrice Creamery Company General Office Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 12, 1946. Walter Englund and Herbert Englund, claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked under the supervision of the Food and Drug Administration.

CHEESE

10400. Action to restrain the interstate shipment of adulterated cheese. U. S. v. Louis Alleman and Dorothy Radtke (Supreme Dairy Products Co.). Injunction granted. Defendants subsequently charged with violation of the injunction. Pleas of guilty entered. Fine of \$500 and costs against each defendant. (Inj. No. 127.)

COMPLAINT FILED: January 24, 1946, Northern District of Illinois, against Louis Alleman and Dorothy Radtke, copartners, trading as the Supreme Dairy Products Co., at Oglesby, Ill., with branch offices at Toluca, Tiskilwa, Washburn, Neoga, and Charleston, Ill. The complaint alleged that the defendants had been shipping in interstate commerce for the past several years, quantities of cheese which was adulterated, and that they were continuing to make these shipments.

NATURE OF CHARGE: Adulteration, Section 402(a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance in that it contained insect fragments, whole insects, hairs resembling those of rodents, cows, and cats, rodent excreta, mites, larvae, materials resembling animal feed and manure, metallic and wood fragments, vegetable fibers, and nondescript dirt; and, Section 402 (a) (4), it had been, and was being, prepared, packed, and held under insanitary conditions whereby it had been, and was being, contaminated with filth, in that the defendants' plants were infested with rodents and insects, and in that the article was manufactured and processed in part from milk containing a high concentration of filth.

PRAYER OF COMPLAINT: That a preliminary injunction issue, restraining the defendants from commission of the acts complained of; and that, after due proceedings, the preliminary injunction be made permanent.

DISPOSITION: The defendants having consented to the entry of a decree, the court, on February 8, 1946, entered a decree enjoining the defendants from causing the introduction and delivery for introduction into interstate commerce, cheese which was adulterated under Sections 402 (a) (3) and (4). On October 14, 1946, an information was filed, charging the defendants with criminal contempt for violation of the injunction by reason of the shipment on or about June 22 and 27, 1946, from Macomb and Toluca, Ill., to Curwensville, Pa., a quantity of cheese which consisted in whole or in part of a filthy substance and which had been prepared and packed under insanitary conditions. On January 14, 1947, a plea of guilty having been entered on behalf of the defendants, the court imposed a fine of \$500 and costs against each defendant.

10401. Adulteration of cheese. U. S. v. John Gurtner (Bestlerton Cheese Factory). Plea of nolo contendere. Fine, \$250. (F. D. C. No. 21494. Sample No. 51221-H.)

INFORMATION FILED: December 16, 1946, Western District of Wisconsin, against John Gurtner, trading as the Bestlerton Cheese Factory, Cumberland, Wis.

ALLEGED SHIPMENT: On or about May 3, 1946, from the State of Wisconsin into the State of Minnesota.

LABEL, IN PART: "Cave Au Banquette Blue-Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, insect excreta fragments, mites, rodent hair fragments, and manure fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 23, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$250.

10402. Adulteration of cheese. U. S. v. Blue Moon Foods, Inc. Plea of nolo contendere. Fine, \$3,000. (F. D. C. No. 21533. Sample Nos. 43496-H, 57316-H, 63751-H.)

INFORMATION FILED: January 13, 1947, Western District of Wisconsin, against Blue Moon Foods, Inc., a corporation, Thorp, Wis.

ALLEGED SHIPMENT: On or about July 12, 13, and 15, 1946, from the State of Wisconsin into the States of California, Massachusetts, and New Jersey.

LABEL, IN PART: "Blue Moon Swiss Gruyere Type Pasteurized Process Cheese," "Blue Moon Pasteurized Process Cheese," or "Swiss-American Blend."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, fly fragments, setae, mites, rodent hair fragments, feather fragments, cow, human, and cat hairs, and manure fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 23, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$1,000 on each of the 3 counts, a total fine of \$3,000.

10403. Adulteration of cheese. U. S. v. 32 Boxes * * *. (F. D. C. No. 21581. Sample No. 64565-H.)

LIBEL FILED: October 30, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about July 8, 1946, by Cohen Brothers, from Waupaca, Wis.

PRODUCT: 32 unlabeled boxes, each containing 6 11-pound loaves, of Provolone cheese at New York, N. Y. Examination showed that the article was moldy and decomposed.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a decomposed substance.

DISPOSITION: December 23, 1946. Harry Rosenblum, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning by elimination of all decomposed substance, under the supervision of the Food and Drug Administration.

10404. Adulteration and misbranding of Cheddar cheese. U. S. v. 440½ Pounds * * *. (F. D. C. No. 21775. Sample No. 51485-H.)

LIBEL FILED: November 29, 1946, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about July 8, 1946, by Dubuque Cooperative Dairy, from Dubuque, Iowa.

PRODUCT: 6 Cheddar cheeses, weighing a total of 440½ pounds, at Platteville, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article deficient in milk fat had been substituted in whole or in part for Cheddar cheese.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for Cheddar cheese since its solids contained less than 50 percent of milk fat, the minimum prescribed by the definition and standard for Cheddar cheese.

DISPOSITION: January 21, 1947. No claimant having appeared, judgment of forfeiture was entered and the product was ordered sold to the State of Wisconsin or to a county institution.

10405. Adulteration and misbranding of Colby cheese. U. S. v. 200 Boxes * * *. (F. D. C. No. 22372. Sample No. 72915-H.)

LIBEL FILED: January 8, 1947, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 5, 1946, by Swift & Co., from Seymour, Ind.

PRODUCT: 200 22-pound boxes of Colby cheese at Cincinnati, Ohio.

LABEL, IN PART: "Colby Cheese Distributed by Swift & Company."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing excessive moisture and deficient in milk fat had been substituted in whole or in part for Colby cheese.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for Colby cheese since it contained more

than 40 percent of moisture and its solids contained less than 50 percent of milk fat.

DISPOSITION: February 3, 1947. Swift & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be converted into pasteurized process American cheese, under the supervision of the Food and Drug Administration.

10406. Adulteration of Greek type cheese. U. S. v. 74 Boxes * * *. (F. D. C. No. 21367. Sample No. 60841-H.)

LIBEL FILED: October 30, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 6, 1946, by Deligiannis Brothers, from Chicago, Ill.

PRODUCT: 74 80-pound boxes of Greek type cheese at Youngstown, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and maggots.

DISPOSITION: December 4, 1946. C. Tornello & Co., Youngstown, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

10407. Adulteration of Ricotta Salata cheese. U. S. v. 29 * * *. (F. D. C. No. 21306. Sample No. 64326-H.)

LIBEL FILED: October 25, 1946, Eastern District of New York.

ALLEGED SHIPMENT: On or about August 30, 1946, by Lebanon Fresh Cheese Corporation, from Lebanon, N. J.

PRODUCT: 29 Ricotta Salata cheeses, each weighing approximately 2½ to 3 pounds, at Corona, Long Island, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta pellets and fly, larvae, and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FEEDS AND GRAINS

10408. Misbranding of alfalfa meal. U. S. v. Mississippi Valley Dehydrating Association. Plea of guilty. Fine, \$600. (F. D. C. No. 15520. Sample Nos. 34407-F, 34408-F.)

INFORMATION FILED: December 13, 1946, Western District of Tennessee, against the Mississippi Valley Dehydrating Association, a corporation, Tiptonville, Tenn.

ALLEGED SHIPMENT: On or about January 13 and June 22, 1944, from the State of Tennessee into the State of North Carolina.

LABEL, IN PART: "Alfalfa Meal * * * Manufactured By Cooperative Alfalfa Mills, Inc. Toledo, Ohio," or "Vita-Greens Alfalfa Meal * * * Manufactured By Saunders Mills, Inc. Toledo, Ohio."

NATURE OF CHARGE: Misbranding, Section 403 (a), (first shipment) the label statements, "Guaranteed Analysis, Crude Protein, not less than 15.0%, Crude Fat, not less than 1.5%, Crude Fibre, not more than 32.0%," were false and misleading since the article contained not more than 11.53 percent of crude protein, not more than 1.01 percent of crude fat, and not less than 47.54 percent of crude fiber; and (second shipment) the label statement, "Guaranteed Analysis, Crude Protein, not less than 17.0 Per Cent," was false and misleading since the article contained not more than 14.40 percent of crude protein.

DISPOSITION: January 6, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$300 on each count, a total fine of \$600.

10409. Misbranding of poultry and stock feed. U. S. v. Ada Milling Co. Plea of guilty. Fine, \$300. (F. D. C. No. 21429. Sample Nos. 34214-H to 34217-H, incl., 34219-H, 34220-H.)

INFORMATION FILED: December 9, 1946, Eastern District of Oklahoma, against the Ada Milling Co., a corporation, Ada, Okla.

ALLEGED SHIPMENT: On or about November 30 and December 7, 1945, and January 7 and 12, 1946, from the State of Oklahoma into the State of Texas.

PRODUCT: The "Shortstop Brand" feed contained more crude fiber, and the other feeds contained less protein, than declared on the labels.

LABEL, IN PART: "Shortstop Brand Rice Hulls, And Wheat Low-Grade Feed Flour And Wheat Bran," "Evergreen Brand Laying Pellets," "Full-O-Lasses Brand Mixed Feed," or "Evergreen Brand Chick Starter Pellets [or "Mash"]."

NATURE OF CHARGE: Misbranding, Section 403 (a), the following statements on the respective labels were false and misleading: (*Shortstop Brand Feed*) "Guaranteed Analysis Crude Fiber (Max.) 21.00%"; (*Evergreen Brand Laying Pellets*) "Guaranteed Analysis Crude Protein not less than 18.00 Per Cent"; (*Full-O-Lasses Brand Mixed Feed*) "Guaranteed Analysis Crude Protein not less than 9.00%"; (*Chick Starter Pellets and Mash*) "Guaranteed Analysis Crude Protein not less than 19.00 Per Cent."

DISPOSITION: January 8, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 on each of 6 counts, a total fine of \$300.

10410. Misbranding of stock feed. U. S. v. 530 Bags * * *. (F. D. C. No. 21774. Sample No. 19398-H.)

LIBEL FILED: November 27, 1946, District of South Dakota.

ALLEGED SHIPMENT: On or about October 16, 1946, by the Pitman Grain Co., from Wichita Falls, Tex.

PRODUCT: 530 100-pound bags of stock feed at Sioux Falls, S. Dak. Analysis showed the presence of 9.68 percent of protein and 31.11 percent of fiber.

LABEL, IN PART: "Circle Bar Alfalfa Meal and Cane Molasses Guaranteed Analysis Crude Protein not less than 11.30 per cent crude fiber not more than 28.50 per cent."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, "Crude Protein not less than 11.30 per cent crude fiber not more than 28.50 per cent," were false and misleading.

DISPOSITION: December 30, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare institution.

10411. Adulteration and misbranding of dog and cat food. U. S. v. 697 Cases * * *. (F. D. C. No. 22371. Sample Nos. 42958-H, 60551-H.)

LIBEL FILED: January 7, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 2, 1947, by H. L. Carpel of Baltimore, Inc., from Baltimore, Md. This was a return shipment to the original shipper.

PRODUCT: 697 cases, each containing 12 jars, of dog and cat food at Greensburg, Pa., in the possession of the Dr. George C. Melody Co.

LABEL, IN PART: "Dr. Melody's Dog & Cat Food Analysis Protein 7.00% Min."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Protein 7.00% Min." was false and misleading as applied to an article containing less than the declared amount of protein.

DISPOSITION: January 23, 1947. Dr. George C. Melody, claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

10412. Adulteration of dog food. U. S. v. 5 and 13 Cases * * *. (F. D. C. Nos. 21578, 21579. Sample Nos. 57516-H, 57518-H.)

LIBELS FILED: October 28, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 20 and July 23, 1946, by the Packer Products Co., from Philadelphia, Pa.

PRODUCT: 5 cases, each containing 24 35-ounce jars, and 13 cases, each containing 12 35-ounce jars, of Beefy Dog Food at South Boston and Quincy, Mass. This product was undergoing decomposition, and one lot was moldy.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: December 9, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

FISH AND SHELLFISH

10413. Adulteration of frozen cod fillets. U. S. v. 752 Boxes * * *. (F. D. C. No. 21968. Sample Nos. 74241-H, 74242-H.)

LIBEL FILED: December 12, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 22, 1946, by the Irvington Fish and Oyster Co., from Richmond, Va.

PRODUCT: 752 15-pound boxes of frozen cod fillets at Boston, Mass.

LABEL, IN PART: "Atlantic Brand Fresh Fillets Matthews & Scott Co. Ltd. Queensport, N. S."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid substance.

DISPOSITION: January 27, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10414. Adulteration of frozen haddock fillets. U. S. v. 80 Cartons * * *. (F. D. C. No. 21409. Sample No. 60787-H.)

LIBEL FILED: November 4, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about May 1, 1946, by Frost King Foods, Inc., from Boston, Mass.

PRODUCT: 80 10-pound cartons of frozen haddock fillets at Geneva, N. Y.

LABEL, IN PART: "Shamrock Hadd Cello Fresh Frozen Haddock Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 7, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10415. Adulteration of frozen whiting and frozen perch. U. S. v. 41 and 94 Boxes * * *. (F. D. C. No. 21410. Sample Nos. 60788-H, 60789-H.)

LIBEL FILED: November 4, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about July 17 and 22, 1945, by J. Adams & Co., Inc., from Boston, Mass.

PRODUCT: 41 15-pound boxes of frozen whiting and 94 10-pound boxes of frozen perch at Geneva, N. Y.

LABEL, IN PART: "Butterfly Whiting Seagate Brand Fancy Frosted Fillets Seagate Fisheries, Inc. Boston, Mass.," or "Fresh Frozen Ocean Perch Packed by Cape Ann Fisheries, Inc., Gloucester, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 7, 1947. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

10416. Adulteration of frozen whiting. U. S. v. 200 Boxes * * *. (F. D. C. No. 21847. Sample Nos. 48700-H, 48724-H.)

LIBEL FILED: December 16, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about October 9, 1946, by Central Cold Storage, for Seattle Fish Co., from Chicago, Ill.

PRODUCT: 200 10-pound boxes of frozen whiting at Denver, Colo.

LABEL, IN PART: "Cape Cod Fillet Co., New Bedford, Mass. Frosted Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid substance.

DISPOSITION: December 30, 1946. The consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to State officials, to be used in the control of predatory animals.

10417. Adulteration of frozen yellow pike. U. S. v. 613½ Pounds * * *.
(F. D. C. No. 21949. Sample Nos. 63526-H, 63529-H.)

LIBEL FILED: December 11, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about September 20, 1946, by Manitoba Fisheries, Ltd., from Winnipeg, Canada.

PRODUCT: 5 boxes containing about 613½ pounds of frozen yellow pike at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid substance.

DISPOSITION: January 30, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10418. Adulteration and misbranding of frozen shrimp. U. S. v. 276 Cartons * * *.
(F. D. C. No. 21761. Sample No. 43646-H.)

LIBEL FILED: November 22, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about May 9, 1946, by Golden Meadow Fisheries Co., from Golden Meadow, La.

PRODUCT: 276 cartons, each containing 10 5-pound packages, of frozen shrimp at Los Angeles, Calif. Examination showed that the product contained excess water and that it was short-weight.

LABEL, IN PART: "Net Weight Five Pounds Gulf Wave Brand Frozen Fresh Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for frozen shrimp.

Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents.

DISPOSITION: December 27, 1946. G. R. Hubbard, Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

FRUITS AND VEGETABLES

FRUITS AND FRUIT PRODUCTS*

10419. Adulteration of dried apple pomace. U. S. v. 34 Bags * * *. (F. D. C. No. 21721. Sample No. 53900-H.)

LIBEL FILED: November 26, 1946, Western District of Kentucky.

ALLEGED SHIPMENT: On or about May 27, 1946, by the C. E. Opperman Fruit Products Co., from Birmingham, Ohio.

PRODUCT: 34 65-pound bags of dried apple pomace at Louisville, Ky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: January 23, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for use as animal feed.

10420. Misbranding of apple butter. U. S. v. 13 and 28 Cases * * *. (F. D. C. Nos. 21241, 21706. Sample Nos. 49914-H, 64029-H.)

LIBELS FILED: On or about October 15 and November 14, 1946, District of Connecticut and Northern District of Alabama.

ALLEGED SHIPMENT: On or about August 10 and 26, 1946, by the Adams Apple Products Corporation, from Bendersville, Pa.

*See also Nos. 10358, 10463.

PRODUCT: Apple butter. 13 cases at New Haven, Conn., and 28 cases at Gunterville, Ala. Each case contained 6 7-pound, 8-ounce cans, of the product.

LABEL, IN PART: "Adams Maid Brand Apple Butter."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for apple butter since its soluble solids content was less than 43 percent, the minimum prescribed by the standard.

DISPOSITION: December 13 and 17, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

10421. Adulteration of apricot pulp and misbranding of canned apricots. U. S. v. 263 and 248 Cases * * *. (F. D. C. Nos. 22169, 22331. Sample Nos. 51498-H, 64757-H.)

LIBELS FILED: December 28, 1946, and January 13, 1947, District of Minnesota and Southern District of New York.

ALLEGED SHIPMENT: The apricot pulp was shipped on or about September 17, 1946, and the canned apricots were shipped on or about October 11, 1946, by Colo-Flavor Products, Inc., from Palisade, Colo.

PRODUCT: 263 cases, each containing 6 6-pound, 8-ounce cans, of apricot pulp at New York, N. Y., and 248 cases, each containing 6 6-pound, 8-ounce cans of apricots at Minneapolis, Minn. Examination showed that the apricot pulp was undergoing progressive decomposition, and that the canned apricots were blemished with scab and hail injury.

LABEL, IN PART: "La Salle Apricot Pulp * * * Distributed By John Sexton & Co. Chicago, Ill.," or "Colo-Mesa Tree Ripened Whole Unpitted Apricots Packed in Light Syrup."

NATURE OF CHARGE: Apricot pulp, adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Canned apricots, misbranding, Section 403 (h) (1), the article fell below the prescribed standard of quality for canned apricots since more than 20 percent of the units in each container were blemished.

DISPOSITION: January 27 and February 5, 1947. The Aslesen Co., Minneapolis, Minn., having appeared as claimant for the lot of canned apricots and having consented to the entry of a decree, and no claimant having appeared for the lot of apricot pulp, judgments of condemnation were entered. It was ordered that the lot of canned apricots be released under bond for relabeling under the supervision of the Federal Security Agency. The lot of apricot pulp was ordered destroyed.

10422. Misbranding of canned apricots. U. S. v. 1,067 Cases * * *. (F. D. C. No. 21229. Sample No. 46248-H.)

LIBEL FILED: October 8, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 21, 1946, by Parrott and Co., San Francisco, Calif., from Stockton, Calif.

PRODUCT: 1,067 cases, each containing 24 1-pound, 14-ounce cans, of apricots at Philadelphia, Pa.

LABEL, IN PART: "Fruit Basket Whole Unpeeled Apricots In Heavy Syrup * * * Packed by Thornton Canning Co., Thornton, Calif."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned apricots since its label failed to bear, as required by the regulations, the name of the optional packing medium present. The label bore the statement "In Heavy Syrup," and the article was packed in sirup designated in the standard as "Light Sirup."

DISPOSITION: December 19, 1946. A. E. Turner and Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

10423. Misbranding of canned apricots. U. S. v. 195 Cases * * *. (F. D. C. No. 21176. Sample No. 45634-H.)

LIBEL FILED: October 9, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about September 10, 1946, by the Fairview Packing Co., from Oakland, Calif.

PRODUCT: 195 cases, each containing 24 1-pound, 14-ounce cans, of apricots at Rochester, N. Y.

LABEL, IN PART: "Veteran Whole Unpeeled Apricots In Heavy Syrup Distributed by Brewster Gordon Co., Inc., Rochester, N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the article fell below the standard of fill of container prescribed for canned apricots since there was not present in the container the maximum quantity of the optional apricot ingredient which could be sealed in the container and processed by heat to prevent spoilage without crushing or breaking the apricot ingredient; and its label failed to bear, as required by the regulations, a statement that it fell below the standard.

DISPOSITION: December 30, 1946. Veteran Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Food and Drug Administration.

10424. Adulteration of canned blackberries. U. S. v. 196 Cases * * *. (F. D. C. No. 21753. Sample No. 48663-H.)

LIBEL FILED: November 22, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about September 2, 1946, by the Valley Packing Co., from Atkins, Ark.

PRODUCT: 196 cases, each containing 24 1-pound, 3-ounce cans, of blackberries at Denver, Colo.

LABEL, IN PART: "Hargis Brand * * * Blackberries Distributed by Hargis Canneries, Inc., Fayetteville, Ark."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rotten blackberries.

DISPOSITION: December 19, 1946. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

10425. Misbranding of canned blackberries. U. S. v. 1,053 Cases * * *. (F. D. C. No. 21381. Sample No. 48658-H.)

LIBEL FILED: November 6, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about August 9, 1946, by Wright and Co., from Monroe, La.

PRODUCT: 1,053 cases, each containing 24 1-pound, 3-ounce cans, of blackberries at Denver, Colo. Examination showed that the product was packed in water.

LABEL, IN PART: "Grapeland Blackberries * * * Packed By Mallory Canning Company Grapeland Texas."

NATURE OF CHARGE: Misbranding, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient, since water was not declared.

DISPOSITION: December 12, 1946. Wright & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

10426. Adulteration of dried peaches. U. S. v. 100 Boxes * * *. (F. D. C. No. 21600. Sample No. 1495-H.)

LIBEL FILED: On or about November 6, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 3, 1945, by Guggenhime & Co., from San Francisco, Calif.

PRODUCT: 100 25-pound boxes of dried peaches at Atlanta, Ga.

LABEL, IN PART: "Daphne Brand California Choice Dried Recleaned Muir Peaches."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: December 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10427. Adulteration of frozen peaches. U. S. v. 861 Cartons * * *. (F. D. C. No. 16323. Sample No. 6917-H.)

LIBEL FILED: June 1, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about December 21, 1944, by G. L. Webster Co., Inc., from Cheriton, Va.

PRODUCT: 861 30-pound cartons of frozen peaches at Jersey City, N. J. Examination of the product showed the presence of fermented peaches.

LABEL, IN PART: "Cling Peach Halves * * * Chilled Quic Fresh Frozen Foods * * * Packed By Fresh Frozen Foods Office Los Angeles, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed peaches.

DISPOSITION: January 20, 1947. Flint and Fulton, Inc., a New Jersey Corporation trading as the Monmouth Products Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be used in the manufacture of wine, under the supervision of the Food and Drug Administration. On October 27, 1947, the claimant having failed to execute the bond, the product was ordered destroyed.

10428. Misbranding of canned peaches. U. S. v. 701 Cases * * *. (F. D. C. No. 22379. Sample No. 40877-H.)

LIBEL FILED: January 10, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 7, 1946, by the Intermountain Food Co., from Provo, Utah.

PRODUCT: 701 cases, each containing 24 1-pound, 13-ounce cans, of peaches at St. Louis, Mo.

LABEL, IN PART: "Mellhorn Brand * * * Standard Sliced * * * Peaches."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the article fell below the standard of fill of container prescribed for canned peaches since there was not present in the container the maximum quantity of the optional peach ingredient which could be sealed in the container and processed by heat to prevent spoilage without crushing or breaking the peach ingredient; and its label failed to bear a statement that it fell below the standard.

DISPOSITION: February 6, 1947. The Intermountain Food Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

10429. Misbranding of canned pears. U. S. v. 179½ Cases * * *. (F. D. C. No. 21613. Sample No. 54659-H.)

LIBEL FILED: November 12, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about July 25, 1946, by the Valdosta Canning Co., from Valdosta, Ga.

PRODUCT: 179½ cases, each containing 24 1-pound, 13-ounce cans, of pineapple pears at Jasper, Fla.

LABEL, IN PART: "S - D - A Brand Pineapple Pears * * * Mixed Pieces of Irregular Sizes and Shapes In Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned pears since its label bore the statement "In Light Syrup," whereas the article was packed in sirup designated in the definition and standard as "Slightly Sweetened Water."

Further misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned pears since it failed to meet the test for tenderness prescribed by the regulations, and its label failed to bear the required statement that it fell below the standard.

DISPOSITION: December 3, 1946. The Valdosta Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Federal Security Agency.

10430. Adulteration of prune butter. U. S. v. 40 Cases * * *. (F. D. C. No. 21842. Sample No. 33228-H.)

LIBEL FILED: December 10, 1946, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about September 20, 1946, by the Bliss Syrup and Preserving Co., from Kansas City, Mo.

PRODUCT: 40 cases, each containing 12 1-pound, 13-ounce jars, of prune butter at Enid, Okla.

LABEL, IN PART: "Pallas Brand Pure Prune Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 21, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10431. Adulteration of raisins. U. S. v. 499 Cartons * * *. (F. D. C. No. 21630. Sample No. 8935-H.)

LIBEL FILED: November 14, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about January 7, 1946, by the Peloian Packing Co., from Reedley, Calif.

PRODUCT: 499 30-pound cartons of seedless raisins at New York, N. Y.

LABEL, IN PART: "Pel-Pak Brand Midgets Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect excreta, and webbing.

DISPOSITION: December 18, 1946. The R. K. Baking Corp., New York, N. Y. claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be utilized in the manufacture of distilled spirits, under the supervision of the Food and Drug Administration.

10432. Adulteration of raisins. U. S. v. 194 Cartons * * *. (F. D. C. No. 21640. Sample No. 41692-H.)

LIBEL FILED: November 13, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about December 6, 1945, by Diebert Brothers, from Biola, Calif.

PRODUCT: 194 30-pound cartons of raisins at Baltimore, Md.

LABEL, IN PART: "Hillside Brand Choice Thompson Seedless Raisins Distributors Balfour, Guthrie & Co. Ltd., San Francisco, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect excreta, and insect-eaten raisins.

DISPOSITION: December 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

10433. Adulteration of raisins. U. S. v. 160 Cases * * *. (F. D. C. No. 21361. Sample No. 72621-H.)

LIBEL FILED: October 30, 1946, District of Utah.

ALLEGED SHIPMENT: On or about March 21, 1946, by the Bonner Packing Co., from Fresno, Calif.

PRODUCT: 160 cases, each containing 48 11-ounce cartons, of seedless raisins at Provo, Utah.

LABEL, IN PART: "California Thompson Seedless Fancy Quality Bonner's Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested raisins.

DISPOSITION: January 10, 1947. No claimant having appeared, judgment was entered and the product was ordered destroyed by being utilized as animal feed.

10434. Adulteration of strawberry puree. U. S. v. Southland Products Co., a partnership, and Daniel H. Kennedy. Pleas of guilty. Fines of \$500 against the partnership and \$2 against the individual defendant. (F. D. C. No. 20159. Sample Nos. 2898-H, 4533-H.)

INFORMATION FILED: August 30, 1946, Southern District of Florida, against the Southland Products Co., Plant City, Fla., and Daniel H. Kennedy, general manager.

ALLEGED SHIPMENT: On or about May 19 and 25, 1945, from the State of Florida into the District of Columbia and the State of Pennsylvania.

LABEL, IN PART: "Fresh Frozen Strawberry Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed strawberries.

DISPOSITION: February 20, 1947. Pleas of guilty having been entered on behalf of both defendants, the court imposed fines of \$500 against the partnership and \$2 against the individual defendant.

VEGETABLES AND VEGETABLE PRODUCTS

10435. Adulteration of frozen broccoli. U. S. v. 80 Cases * * *. (F. D. C. No. 22442. Sample No. 61675-H.)

LIBEL FILED: January 27, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about January 2, 1947, by the R. D. Bodle Co., from Seattle, Wash.

PRODUCT: 80 cases, each containing 24 10-ounce packages, of frozen broccoli at Denver, Colo.

LABEL, IN PART: "Penguin Brand Frozen Fresh Green Broccoli * * * Packed By Washington Frosted Foods, Inc., Seattle, Wash."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and worms.

DISPOSITION: February 6, 1947. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

10436. Adulteration of canned mustard greens. U. S. v. 91 Cases * * *. (F. D. C. No. 22386. Sample No. 67818-H.)

LIBEL FILED: January 10, 1947, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about May 30, 1946, by Whiteside Cannery, from Van Buren, Ark.

PRODUCT: 91 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens at Norman, Okla.

LABEL, IN PART: "Nu Crest Brand Mustard Greens * * * Distributed by The Cooter Company, Chicago San Francisco."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 14, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 10437 to 10442 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality was charged to fall below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

10437. Misbranding of canned peas. U. S. v. 1,298 Cases * * *. (F. D. C. No. 21629. Sample No. 40919-H.)

LIBEL FILED: November 8, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 14, 1946, by Tigerton Foods, from Tigerton, Wis.

PRODUCT: 1,298 cases, each containing 24 unlabeled cans, of peas at St. Louis, Mo. The consignee had a written agreement with the shipper to label the product as "Standard Peas."

NATURE OF CHARGE: Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; Section 403 (g) (2), it purported to be and was represented as canned peas, and its label failed to bear, as required by regulation, the name of the food specified in the definition and standard; and, Section 403 (h) (1), it was below standard.

DISPOSITION: December 6, 1946. Tigerton Foods, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

10438. Misbranding of canned peas. U. S. v. 1,000 Cases * * *. (F. D. C. No. 21730. Sample No. 53477-H.)

LIBEL FILED: November 20, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 7, 1946, by Bloomer Farm Products Co., from Bloomer, Wis.

PRODUCT: 1,000 cases, each containing 24 1-pound, 4-ounce cans, of peas at Xenia, Ohio.

LABEL, IN PART: "Bloomer Early Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: February 8, 1947. The Eavey Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

10439. Misbranding of canned peas. U. S. v. 515 Cases * * *. (F. D. C. No. 21372. Sample No. 51890-H.)

LIBEL FILED: October 26, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about September 9, 1946, by Bloomer Farm Products Co., from Bloomer, Wis.

PRODUCT: 515 cases, each containing 24 1-pound, 4-ounce cans, of peas at Minneapolis, Minn.

LABEL, IN PART: "Nation's Garden Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: January 17, 1947. The Bloomer Farm Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Federal Security Agency.

10440. Misbranding of canned peas. U. S. v. 395 Cases * * *. (F. D. C. No. 21835. Sample No. 67400-H.)

LIBEL FILED: December 4, 1946, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about September 12, 1946, by Owen Canning Corporation, from Owen, Wis.

PRODUCT: 395 cases, each containing 24 1-pound, 4-ounce cans, of peas at Cushing, Okla.

LABEL, IN PART: "Cloverbelt Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: January 31, 1947. The Owen Canning Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

10441. Misbranding of canned peas. U. S. v. 308 and 72 Cases * * *. (F. D. C. Nos. 21823, 21862. Sample Nos. 53483-H, 53489-H.)

LIBELS FILED: December 6 and 17, 1946, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about August 19 and September 21, 1946, by Lord-Mott and Co., from Baltimore, Md.

PRODUCT: 72 cases and 308 cases, each containing 6 6-pound, 9-ounce cans, of peas at Chattanooga, Tenn.

LABEL, IN PART: "Old Reliable Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: January 10, 1947. Lord-Mott and Co., having appeared as claimant for both lots, judgments of forfeiture were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

10442. Misbranding of canned peas. U. S. v. 31 and 210 Cases * * *. (F. D. C. Nos. 21185, 21258. Sample Nos. 57167-H, 59907-H.)

LIBELS FILED: October 15 and on or about October 25, 1946, Western District of Pennsylvania and District of Rhode Island.

ALLEGED SHIPMENT: On or about August 8 and 10, 1946, by A. W. Feeser and Co., Inc., from Westminster and Silver Run, Md.

PRODUCT: Canned Peas. 31 cases at Pittsburgh, Pa., and 210 cases at Providence, R. I. Each case contained 24 1-pound, 4-ounce cans.

LABEL, IN PART: "Elmdale Sieve 4 Early June Peas National Retailer-Owned Grocers, Inc., Distributors General Offices Chicago, Ill."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: December 16, 1946, and January 21, 1947. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

10443. Adulteration of canned field peas. U. S. v. 499 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 21230, 21256, 21257, 21587. Sample Nos. 1948-H, 54584-H, 54585-H, 54588-H.)

LIBELS FILED: October 10 and 21 and November 1, 1946, Eastern and Western Districts of South Carolina.

ALLEGED SHIPMENT: On or about August 24, 29, and 30, 1946, by R. O. Kelley and the R. O. Kelley Cannery, from Midville, Ga.

PRODUCT: Canned field peas. 499 cases at Charleston and 531 cases at Greenville, S. C. Each case contained 24 1-pound, 3-ounce cans.

LABEL, IN PART: "Kelly's Best Georgia Field Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and (one lot only) insect fragments and insect eggs.

DISPOSITION: December 16, 1946, and January 13, 1947. No claimant having appeared, judgments of condemnation were entered. It was ordered that the Greenville lots be delivered to a charitable institution, for use as animal feed, and that the Charleston lot be destroyed.

10444. Adulteration of canned field peas. U. S. v. 471 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 21583 to 21585, incl., 21621. Sample Nos. 54581-H, 54582-H, 54586-H, 54591-H.)

LIBELS FILED: October 30 and November 1 and 6, 1946, Western Districts of North Carolina and South Carolina.

ALLEGED SHIPMENT: Between the approximate dates of July 26 and August 21, 1946, by Georgia Canning Co., from Wayside, Ga.

PRODUCT: Canned field peas. 617 cases at Asheville, N. C., and 842 cases at Greenville and 424½ cases at Spartanburg, S. C. Each case contained 24 1-pound, 3-ounce cans.

LABEL, IN PART: "Shaver's Brand Young Tender Field Peas," or "Pine Cone Brand Field Peas Albert W. Sisk and Son Distributors Not Manufacturers Preston, Md. and Aberdeen, Md."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: December 12 and 16, 1946. No claimant having appeared, judgments of condemnation were entered. The Asheville lots were ordered destroyed, and the Greenville and Spartanburg lots were ordered delivered to charitable institutions, for use as animal feed.

10445. Adulteration of canned field peas with snaps. U. S. v. 287 Cases * * *. (F. D. C. No. 21606. Sample No. 1552-H.)

LIBEL FILED: November 5, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 13, 1946, by the Ploegar-Abbott Co., from Waynesboro, Ga.

PRODUCT: 287 cases, each containing 24 1-pound, 3-ounce cans, of field peas with snaps at Tampa, Fla.

LABEL, IN PART: "Golden Isle Tasty Foods Field Peas With Snaps."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: December 3, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10446. Adulteration of split peas. U. S. v. 782 and 798 Bags * * *. (F. D. C. Nos. 21829, 21830. Sample Nos. 60073-H to 60075-H, incl.)

LIBELS FILED: December 5, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about October 11 and 15, 1946, by G. W. Haxton and Son, from Philadelphia, Pa.

PRODUCT: 950 100-pound bags of green split peas and 630 100-pound bags of yellow split peas at Batavia, N. Y.

LABEL, IN PART: "Washington Green Split Field Ripened Peas Empire Pea Growers Association Oakesdale, Wash.," "Yellow Split Peas Packed By The Trinidad Bean & Elev. Co. Denver, Colorado," or "Fancy Selected Cook-quik Triad Brand Peas * * * Green Splits Packed By The Trinidad Bean & Elevator Co. Denver Colorado."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, insect excreta, and rodent hairs.

DISPOSITION: December 31, 1946, and January 31, 1947. Geo. W. Haxton & Son, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the peas were ordered released under bond, conditioned that they be recleaned, polished, and sorted under the supervision of the Food and Drug Administration.

10447. Adulteration of pickles. U. S. v. 94 Cases * * *. (F. D. C. No. 21179. Sample Nos. 35564-H, 35565-H.)

LIBEL FILED: October 14, 1946, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 6, 1946, by the Atkins Packing Co., from Atkins, Ark.

PRODUCT: 19 cases, each containing 12 1-quart jars, of Kosher Style pickles and 75 cases, each containing 25 1-pint jars, of dill pickles at Memphis, Tenn.

LABEL, IN PART: "The Original Harvest Brand Ma Goldsmith's Own Recipe Kosher Style [or "Dill"] Pickles Packed by Goldsmith Pickle Co. Chicago."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-damaged pickles, larvae, and insect parts.

DISPOSITION: January 13, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10448. Adulteration of dill mixed pickles. U. S. v. 335 Cases * * *. (F. D. C. Nos. 21349, 21351. Sample Nos. 47256-H, 47257-H.)

LIBEL FILED: October 22, 1946, District of Utah.

ALLEGED SHIPMENT: On or about December 12, 1945, by Sparks Pickle Co., from Sparks, Ga.

PRODUCT: Dill mixed pickles. 177 cases at Cedar City, Utah, and 158 cases at Richfield, Utah. Each case contained 12 25-ounce jars of dill mixed pickles. Examination showed the presence of moldy and otherwise decomposed pickles.

LABEL, IN PART: "Sparks Brand Dill Mixed Pickles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: December 2, 1946. No claimant having appeared, judgment was entered ordering that the product be disposed of as animal feed.

10449. Adulteration of sauerkraut. U. S. v. 156 Cases * * *. (F. D. C. No. 21390. Sample No. 72622-H.)

LIBEL FILED: October 30, 1946, District of Utah.

ALLEGED SHIPMENT: On or about November 6, 1945, by the Sparks Food Products Co., from Mazomanie, Wis.

PRODUCT: 156 cases, each containing 12 1-quart jars, of sauerkraut at Provo, Utah.

LABEL, IN PART: "Sparks Sauer Kraut."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance, and it was otherwise unfit for food by reason of discoloration.

DISPOSITION: December 20, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed by being utilized as animal feed.

10450. Adulteration of canned spinach. U. S. v. 41 Cases * * *. (F. D. C. No. 21722. Sample No. 48684-H.)

LIBEL FILED: November 22, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about February 4, 1946, by the E. L. Peterson Canning Co., from Stigler, Okla.

PRODUCT: 41 cases, each containing 6 6-pound, 2-ounce cans, of spinach at Denver, Colo.

LABEL, IN PART: "Stigler Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), grass, pieces of tree leaves and twigs, fibrous roots, and cockleburs had been substituted in whole or in part for spinach.

DISPOSITION: December 16, 1946. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

10451. Adulteration of frozen spinach. U. S. v. 95 and 200 Cases * * *. (F. D. C. No. 21618. Sample Nos. 5560-H, 5561-H.)

LIBEL FILED: On or about November 12, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about June 21, 1946, by the S. A. Moffett Co., Inc., from Mount Vernon, Wash.

PRODUCT: 95 cases, each containing 12 2½-pound cartons, and 200 cases, each containing 36 14-ounce cartons, of frozen spinach at Camden, N. J. Both lots of the product contained excessive added water, and one lot contained weeds and grass.

LABEL, IN PART: "Polar Frosted Foods Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water, weeds, and grass had been substituted in part for spinach; and, Section 402 (b) (4), water had been added to the article so as to increase its bulk and weight, and weeds and grass had been mixed and packed with a portion of the article so as to reduce its quality.

DISPOSITION: December 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10452. Adulteration of canned sweet potatoes. U. S. v. 145 Cases * * *.
(F. D. C. No. 18220. Sample No. 398-H.)

LIBEL FILED: October 30, 1945, Southern District of Georgia.

ALLEGED SHIPMENT: On or about December 27, 1944, by Charles R. Allen, from Charleston, S. C.

PRODUCT: 145 cases, each containing 24 cans, of sweet potatoes at Brunswick, Ga. Examination showed that the product had undergone decomposition.

LABEL, IN PART: (Can) "Kett's Kettle Brand Net Contents 1 Lb. 13 Oz. Selected Golden Mashed Sweet Potatoes Packed by Ketteringham Canning Co., Ville Platte, La."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

10453. Adulteration of canned tomatoes. U. S. v. 1,825 Cases * * *. (F. D. C. No. 21746. Sample No. 67378-H.)

LIBEL FILED: On or about November 22, 1946, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about August 10, 1946, by the Appleby-Young Canning Co., from West Fork, Ark.

PRODUCT: 1,825 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Tulsa, Okla.

LABEL, IN PART: "Western Star Hand Packed Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 2, 1947. The Appleby-Young Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Federal Security Agency.

10454. Adulteration and misbranding of canned tomatoes. U. S. v. 74 and 698 Cases * * *. (F. D. C. Nos. 21664, 21676. Sample Nos. 1699-H, 3763-H.)

LIBELS FILED: November 22 and 25, 1946, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about July 25 and August 27, 1946, by Taylor & Sledd, Inc., from Richmond, Va.

PRODUCT: 74 cases and 698 cases, each case containing 24 1-pound, 3-ounce cans, of tomatoes at Concord and Burlington, N. C., respectively.

LABEL, IN PART: "Kinsale Brand Tomatoes * * * Packed by Kinsale Canning Co. Kinsale, Va.," or "Green Vale Brand * * * Tomatoes Packed by R. E. Dobyns Monaskon, Va."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (Burlington lot) the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (h) (1), (Concord lot) the article fell below the standard of quality for canned tomatoes by reason of an excess of tomato peel.

DISPOSITION: December 27, 1946, and January 17, 1947. Taylor & Sledd, Inc., claimant for the Concord lot, having consented to the entry of a decree, and no claimant having appeared for the Burlington lot, judgments of condemnation were entered. It was ordered that the Concord lot be released under bond for relabeling under the supervision of the Federal Security Agency, and that the Burlington lot be destroyed.

10455. Misbranding of canned tomatoes. U. S. v. 9,800 Cases * * *. (F. D. C. No. 22131. Sample No. 66003-H.)

LIBEL FILED: December 26, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of September 10 and 17, 1946, by Bay Country Foods, Inc., from Hopewell, Md.

PRODUCT: 9,800 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Philadelphia, Pa.

LABEL, IN PART: "Hopewell Brand Tomatoes * * * Packed By Hopewell Canning Co., Hopewell, Md."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes because of an excess of tomato peel and blemishes, and its label failed to bear a statement, in accordance with the regulations, that it fell below the standard.

DISPOSITION: January 16, 1947. The United Container Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

10456. Misbranding of canned tomatoes. U. S. v. 2,000 Cases * * *. (F. D. C. No. 21305. Sample No. 40477-H.)

LIBEL FILED: October 24, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 25, 1946, by the Baron Canning Co., from Westville, Okla.

PRODUCT: 2,000 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: "Baron Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned tomatoes since it failed to meet the requirement for strength and redness of color and since it contained excessive tomato peel and blemishes; and its label failed to bear a statement, as prescribed by the regulations, that it fell below the standard.

DISPOSITION: December 27, 1946. The Baron Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling in compliance with the law, under the supervision of the Federal Security Agency.

10457. Misbranding of canned tomatoes. U. S. v. 1,437 Cases * * *. (F. D. C. No. 21644. Sample No. 49956-H.)

LIBEL FILED: November 19, 1946, Northern District of Alabama.

ALLEGED SHIPMENT: On or about August 19, 1946, by Virginia Food Products, Inc., Litwalton, Va., from Richmond, Va.

PRODUCT: 1,437 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Sheffield, Ala.

LABEL, IN PART: "Ridgefield Brand * * * Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned tomatoes because of its low drained weight and excessive tomato peel.

DISPOSITION: January 27, 1947. Virginia Food Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled in compliance with the law, under the supervision of the Federal Security Agency.

10458. Misbranding of canned tomatoes. U. S. v. 534 Cases * * *. (F. D. C. No. 21950. Sample No. 61782-H.)

LIBEL FILED: December 19, 1946, Eastern District of Washington.

ALLEGED SHIPMENT: On or about September 12, 1946, by Seiter's, Inc., from Post Falls, Idaho.

PRODUCT: 534 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Spokane, Wash.

LABEL, IN PART: "Blue and White Tomatoes * * * Red & White Corp'n. Distributors, Chicago, Ill."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was sub-standard in quality because the drained weight was less than 50 percent of the weight of water required to fill the container.

DISPOSITION: February 7, 1947. Seiter's, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

10459. Misbranding of canned tomatoes. U. S. v. 500 Cases * * *. (F. D. C. No. 21941. Sample No. 49652-H.)

LIBEL FILED: December 10, 1946, Eastern District of Texas.

ALLEGED SHIPMENT: On or about December 9, 1946, by the Thomas & Drake Canning Co., from Fayetteville, Ark.

PRODUCT: 500 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Paris, Tex.

LABEL, IN PART: "Elm Tomatoes * * * Distributed by Thomas & Drake Canning Co. Fayetteville, Arkansas," or "Dubon Tomatoes * * * Distr. by Dubon Co. New Orleans La."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned tomatoes, both as to drained weight of content of container and as to strength and redness of color, and the label failed to bear a statement that it fell below such standard.

DISPOSITION: January 6, 1947. Eubanks Brothers, Fayetteville, Ark., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

10460. Misbranding of canned tomatoes. U. S. v. 448 Cases * * *. (F. D. C. No. 22145. Sample No. 67178-H.)

LIBEL FILED: January 3, 1947, District of Nebraska.

ALLEGED SHIPMENT: On or about September 5, 1946, by C. O. Pardue and Son, from Springdale, Ark.

PRODUCT: 448 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Omaha, Nebr.

LABEL, IN PART: "Hartco Brand Tomatoes Packed by The Hart Canning Co. Seymour, Mo."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality because of low drained weight.

DISPOSITION: January 31, 1947. C. O. Pardue and Son, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled in compliance with the law, under the supervision of the Food and Drug Administration.

10461. Misbranding of canned tomatoes. U. S. v. 377 Cases * * *. (F. D. C. No. 22162. Sample No. 65642-H.)

LIBEL FILED: January 7, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of September 9 and October 3, 1946, by the Atlantic Canning Co., from Mays Landing, N. J.

PRODUCT: 377 cases, each containing 6 7¼-pound cans, of tomatoes at Philadelphia, Pa. Examination showed that the article was short-weight.

LABEL, IN PART: "Marco Brand Solid Pack * * * Tomatoes Contents 7¼ Lbs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 17, 1947. The Atlantic Canning Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

10462. Misbranding of canned tomatoes. U. S. v. 51 Cases * * *. (F. D. C. No. 22144. Sample No. 51693-H.)

LIBEL FILED: January 2, 1947, Northern District of Iowa.

ALLEGED SHIPMENT: On or about September 3, 1946, by Clay M. Webb Co., from Vienna, Md.

PRODUCT: 51 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Sioux City, Iowa.

LABEL, IN PART: "Bob White Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned tomatoes because of an excess of tomato peel and blemishes, and it was not labeled to show that it was substandard.

DISPOSITION: January 27, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

10463. Adulteration of tomato juice and tomato puree and misbranding of tomato paste and diced peaches. U. S. v. Joseph J. Felice (Hollister Canning Co.). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 21512. Sample Nos. 25681-H, 29517-H, 30766-H, 46033-H, 46618-H, 58130-H.)

INFORMATION FILED: December 30, 1946, Northern District of California, against Joseph J. Felice, trading as the Hollister Canning Co., Hollister, Calif.

ALLEGED SHIPMENT: Between the approximate dates of September 28, 1945, and January 3, 1946, from the State of California into the States of Colorado, Washington, New York, Minnesota, North Carolina, and Pennsylvania.

LABEL, IN PART: "Hollister Brand California Tomato Juice," "San Benito Tomato Paste," "Felice Tomato Puree," "San Benito Diced Yellow Cling Peaches In Light Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (tomato juice and tomato puree) the articles consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (1), (tomato paste and diced peaches) the tomato paste failed to conform to the definition and standard of identity because it contained less than 25 percent of salt-free tomato solids, and the diced peaches failed to conform to the standard of identity because the peach ingredient of the article was not in the dice form of unit.

DISPOSITION: February 13, 1947. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$50 on each of 6 counts, a total fine of \$300.

10464. Adulteration of tomato juice. U. S. v. 400 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 21632, 21633. Sample Nos. 65621-H, 65626-H.)

LIBELS FILED: November 7, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 23 and 27, 1946, by the Garden State Canning Co., from Hightstown, N. J.

PRODUCT: 400 cases and 600 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Philadelphia, Pa.

LABEL, IN PART: "Farm Fresh Brand Tomato Juice," or "Sunrise Brand Tomato Juice * * * Distributed by American Stores Co., Philadelphia, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 5, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10465. Adulteration of tomato juice. U. S. v. 184 Cases * * *. (F. D. C. No. 21766. Sample No. 60798-H.)

LIBEL FILED: November 22, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about September 23, 1946, by H. P. Cannon & Son, Inc., from Bridgeville, Del.

PRODUCT: 184 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Rochester, N. Y.

LABEL, IN PART: "Cannon Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 6, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10466. Adulteration of tomato juice. U. S. v. 21 Cases * * *. (F. D. C. No. 21329. Sample No. 53522-H.)

LIBEL FILED: October 22, 1946, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about September 5, 1946, by the Billman-Woodard Co., from Hope, Ind.

PRODUCT: 21 cases, each containing 24 1-pint, 2-fluid-ounce cans, of tomato juice at Nashville, Tenn.

LABEL, IN PART: "Clifty Valley Brand Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 7, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10467. Adulteration of tomato soup. U. S. v. 265 Cases * * *. (F. D. C. No. 21387. Sample Nos. 53347-H, 53348-H.)

LIBEL FILED: October 29, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 7, 1946, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: 146 cases, each containing 48 10½-ounce cans, and 119 cases, each containing 24 1-pound, 4-ounce cans, of tomato soup at Cincinnati, Ohio.

LABEL, IN PART: "Jackson Condensed Tomato Soup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10468. Adulteration of tomato soup. U. S. v. 74 and 128 Cases * * *. (F. D. C. Nos. 21663, 21699. Sample Nos. 1958-H, 53197-H.)

LIBELS FILED: November 13 and 20, 1946, Western District of South Carolina and Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 17, 19, and 25, 1946, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: Tomato soup. 74 cases, each containing 24 1-pound, 4-ounce cans, at Greenville, S. C., and 128 cases, each containing 48 10½-ounce cans, at Springfield, Ohio.

LABEL, IN PART: "Jackson Brand Condensed Tomato Soup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 30, 1946, and January 4, 1947. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

MEAT AND POULTRY

10469. Adulteration of frozen meat. U. S. v. 72 Barrels * * *. (F. D. C. No. 22164. Sample Nos. 90309-H, 90310-H.)

LIBEL FILED: January 8, 1947, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about November 5 and 14, 1946, from South St. Paul, Minn., and National Stock Yards, Ill.

PRODUCT: 72 300-pound barrels of frozen meat at Richmond, Va., in possession of Richmond Cold Storage Co., Inc. The product was stored under insanitary conditions after shipment. The burlap covers on the barrel heads were rodent-gnawed and urine-stained, and examination showed the presence of rodent-gnawed meat and rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 21, 1947. Armour & Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

10470. Adulteration of frozen poultry. U. S. v. 183 Crates * * *. (F. D. C. No. 22150. Sample No. 44976-H.)

LIBEL FILED: January 7, 1947, District of Arizona.

ALLEGED SHIPMENT: On or about October 15, 1946, by the Adelman Produce Co., from Denver, Colo.

PRODUCT: 183 crates of frozen poultry, each crate containing between 14 and 16 birds, at Tucson, Ariz.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 25, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10471. Adulteration of frozen poultry. U. S. v. 150 Boxes * * *. (F. D. C. No. 21612. Sample No. 1553-H.)

LIBEL FILED: November 5, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about October 6, 1946, by J. D. Jewell, Inc., from Gainesville, Ga.

PRODUCT: 150 60-pound boxes of frozen poultry at Tampa, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: November 25, 1946. J. D. Jewell, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregating and the denaturing of the unfit portion, under the supervision of the Food and Drug Administration.

10472. Adulteration of dressed turkeys. U. S. v. 146 Boxes * * *. (F. D. C. No. 21858. Sample No. 60083-H.)

LIBEL FILED: December 13, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about November 18, 1946, by the Omaha Cold Storage Co., from Omaha, Nebr.

PRODUCT: 146 boxes of dressed turkeys at Buffalo, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 13, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS*

10473. Adulteration of almonds. U. S. v. 111 Bags * * *. (F. D. C. No. 21417. Sample No. 53352-H.)

LIBEL FILED: November 4, 1946, Western District of Kentucky.

ALLEGED SHIPMENT: On or about October 10, 1945, from Sacramento, Calif.

PRODUCT: 111 25-pound bags of almonds in the shell at Louisville, Ky., in possession of Merchants Wholesale Grocery Company. The article was stored under insanitary conditions after shipment. Larvae and webbing were noted on the outside of the bags, and examination showed that the article contained insect-infested, moldy, and shriveled almonds, and empty shells.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy and decomposed substances by reason of the presence of insect-infested and moldy almonds, and it was otherwise unfit for food by

*See also No. 10386.

reason of the presence of shriveled almonds and empty shells; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 23, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for use as animal feed.

10474. Adulteration of shelled almonds. U. S. v. 1 Bag * * *. (F. D. C. No. 21849. Sample No. 50847-H.)

LIBEL FILED: December 12, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about October 18, 1946, by T. M. Duche and Sons, Inc., from New York, N. Y.

PRODUCT: 1 132-pound bag of shelled almonds at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of being insect-infested.

DISPOSITION: February 19, 1947. No claimant having appeared, judgment was entered ordering that the product be denatured and disposed of as animal feed or destroyed.

10475. Adulteration of brazil nuts. U. S. v. 50 Bags * * *. (F. D. C. No. 21836. Sample No. 42696-H.)

LIBEL FILED: December 6, 1946, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about November 1, 1946, by E. Trucco, from New York, N. Y.

PRODUCT: 50 100-pound bags of brazil nuts at Charleston, W. Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rancid brazil nuts.

DISPOSITION: February 14, 1947. The Hubbard Grocery Co., Inc., Charleston, W. Va., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for salvaging of the fit portion, under the supervision of the Federal Security Agency.

10476. Adulteration of brazil nuts. U. S. v. 33 Bags * * *. (F. D. C. No. 21735. Sample No. 51939-H.)

LIBEL FILED: November 22, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about October 1, 1946, by the Bowes Co., Ltd., from Toronto, Canada.

PRODUCT: 33 100-pound bags of brazil nuts at St. Paul, Minn.

LABEL, IN PART: "New Crop Pride of Para Bold Medium Brazil Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed nuts, and it was otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: December 10, 1946. Tew-Harper and Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

10477. Adulteration of brazil nuts. U. S. v. 18 Bags * * *. (F. D. C. No. 21911. Sample No. 65448-H.)

LIBEL FILED: December 3, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: October 22, 1946, by the Graham Co., Inc., from New York, N. Y.

PRODUCT: 18 50-pound bags of brazil nuts at Philadelphia, Pa.

LABEL, IN PART: "Redbow Large Brazil Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed brazil nuts.

DISPOSITION: January 14, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10478. Adulteration of peanuts. U. S. v. 67 Bags * * *. (F. D. C. No. 21207. Sample Nos. 57469-H, 57470-H.)

LIBEL FILED: September 30, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about February 8 and 14, 1946, by the Franklin Peanut Co., from Franklin, Va.

PRODUCT: 67 100-pound bags of peanuts at Boston, Mass.

LABEL, IN PART: "Fancy Hand Picked Virginia E-L-K Brand Peanuts," or "Jumbo Virginia Whale Hand Picked Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and larvae.

DISPOSITION: January 14, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and disposed of as animal feed or used for purposes other than for human consumption.

10479. Adulteration of pecans. U. S. v. 49 Bags * * *. (F. D. C. No. 22340. Sample No. 41123-H.)

LIBEL FILED: December 27, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 5, 1946, by J. Solomon and Sons, from Cairo, Ill.

PRODUCT: 49 70-pound bags of pecans at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy and decomposed substances by reason of the presence of insect-infested, moldy, rancid, and decomposed pecans, and it was otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: January 28, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that the purchaser eliminate and destroy the unfit portion, under the supervision of the Food and Drug Administration.

10480. Adulteration of pecan pieces. U. S. v. 5 Boxes * * *. (F. D. C. No. 21374. Sample No. 53094-H.)

LIBEL FILED: October 25, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 13, 1946, by the Fort Worth Pecan Shelling Co., from Fort Worth, Tex.

PRODUCT: 5 60-pound boxes of pecan pieces at Cleveland, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect parts.

DISPOSITION: December 5, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10481. Adulteration of pecan pieces. U. S. v. 7 Cases * * *. (F. D. C. No. 21943. Sample No. 54667-H.)

LIBEL FILED: December 5, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about November 2, 1946, by the Consolidated Pecan Sales Co., from Savannah, Ga.

PRODUCT: 7 30-pound cases of pecan pieces at Clermont, Fla.

LABEL, IN PART: "Large Pieces Selected Pecan Meats."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy pecan meats.

DISPOSITION: January 9, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10482. Adulteration of shelled English walnuts. U. S. v. 19 Boxes * * *. (F. D. C. No. 21756. Sample Nos. 40129-H, 40130-H.)

LIBEL FILED: On or about November 26, 1946, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about October 18 and 29, 1946, by Stewart's, from Memphis, Tenn.

PRODUCT: 19 25-pound boxes of shelled English walnuts at Helena, Ark.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy and decomposed substances by reason of the presence of insects and rancid nuts.

DISPOSITION: January 7, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10483. Adulteration of peanut butter. U. S. v. 14 Cases * * *. (F. D. C. No. 21631. Sample No. 64410-H.)

LIBEL FILED: November 14, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about May 13, 1946, from New Haven, Conn., by the Nut Food Co., Inc.

PRODUCT: 14 cases, each containing 12 2-pound jars, of peanut butter at Bronx, N. Y.

LABEL, IN PART: "Armour's Star Homogenized Peanut Butter * * * Armour and Company, Distributors * * * Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of grit.

DISPOSITION: December 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OILS AND FATS

10484. Adulteration of edible oil. U. S. v. 11 Cases * * *. (F. D. C. No. 16333. Sample No. 6154-H.)

LIBEL FILED: June 4, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about April 10, 1945, by the Balbo Oil Co., from Brooklyn, N. Y.

PRODUCT: 11 cases, each containing 6 1-gallon cans, of edible oil at Newark, N. J.

LABEL, IN PART: "Balbo Brand Refined Peanut, Sunflower, Corn, Cottonseed Salad Oils and Pure Olive Oil."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Refined Peanut, Sunflower, Corn, Cottonseed Salad Oils and Pure Olive Oil" was misleading as applied to an article which contained little or no olive oil.

DISPOSITION: January 27, 1947. The shipper having withdrawn its claim and answer and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

10485. Adulteration and misbranding of popcorn seasoning oil. U. S. v. 50 Cartons * * *. (F. D. C. No. 21334. Sample No. 72611-H.)

LIBEL FILED: October 17, 1946, District of Utah.

ALLEGED SHIPMENT: On or about August 28, 1946, by the Bernau Processing Plant, from Lake City, Iowa.

PRODUCT: 50 cartons, each containing 4 1-gallon jugs, of popcorn seasoning oil at Salt Lake City, Utah.

LABEL, IN PART: "Popswell Brand Popcorn Seasoning."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), artificially colored and flavored mineral oil, which had no food value, had been substituted for popcorn seasoning, a product consisting of butter or edible vegetable oil, which the article was represented to be; and, Section 402 (b) (4), artificial color and artificial flavor had been added to mineral oil so as to make it appear to be butter oil, which is better and of greater value than the article.

Misbranding, Section 403 (a), the label statement "Popcorn Seasoning" was false and misleading as applied to a product consisting of mineral oil, artificially colored and artificially flavored.

DISPOSITION: December 20, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed.

10486. Adulteration and misbranding of Saladola. U. S. v. 11 Cases * * *.
(F. D. C. No. 21188. Sample Nos. 57481-H, 57482-H.)

LIBEL FILED: October 14, 1946, District of Vermont.

ALLEGED SHIPMENT: On or about August 26, 1946, by the Mercantile Food Products Co., from Boston, Mass.

PRODUCT: 9 cases, each containing 24 pint bottles, and 2 cases, each containing 12 quart bottles, of Saladola at Barre, Vt.

LABEL, IN PART: "Saladola Brand Pure Mineral Oil (Certified Food Color Added) For the preparation of non-fattening, non-nutritive, and low calorie dressings for salads."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color had been added to mineral oil so as to make it appear to be salad oil, which is better and of greater value than the article.

Misbranding, Section 403 (a), the designation "Saladola" and the statement "French Dressing" on the label were false and misleading since they represented, suggested, and created the impression that the article was salad oil and that french dressing could be made with it. The article was not salad oil, and french dressing could not be made with it. The labeling was further misleading since the statement "For the preparation of non-fattening, non-nutritive, and low calorie dressings for salads" coupled with the directions for use, represented to purchasers that the article was wholesome and suitable for use as a substitute for food oils in preparing salads. The article was colored mineral oil, and its labeling failed to reveal the material fact that the substitution of mineral oil for food oils in preparing salads may be harmful and may have a deleterious effect.

DISPOSITION: December 20, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

10487. Misbranding of olive oil. U. S. v. 5 and 8 Cases * * *. (F. D. C. No. 21196. Sample No. 61441-H.)

LIBELS FILED: October 16 and 18, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about September 4, 1946, by the Italian Cook Oil Corporation, from Brooklyn, N. Y.

PRODUCT: 13 cases, each containing 16 cans, of olive oil at Seattle and Tacoma, Wash., respectively. The article was found to be short-volume.

LABEL, IN PART: "Net Contents One Half Pint Imported Product Pure Olive Oil Agash Brand Packed by Agash Refining Corp. Brooklyn, New York."

NATURE OF CHARGE: Misbranding, Section 403 (e), the label of the article failed to contain an accurate statement of the quantity of the contents.

DISPOSITION: December 10 and 31, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to public institutions.

10488. Adulteration and misbranding of French Style Dressing. U. S. v. 56 Cases * * *. (F. D. C. No. 21863. Sample No. 40949-H.)

LIBEL FILED: December 20, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 18, 1946, by the Peer Food Products Co., from Chicago, Ill.

PRODUCT: 56 cases, each containing 12 10-ounce bottles, of French Style Dressing at St. Louis, Mo.

LABEL, IN PART: "Peer Brand French Style Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, oil, had been in whole or in part omitted from the product.

Misbranding, Section 403 (a), the label designation "French Style Dressing" was false and misleading as applied to a product which contained an insignificant amount of oil.

DISPOSITION: January 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

SPICES, FLAVORS, AND SEASONING MATERIALS

10489. Adulteration of dill seed and anise seed. U. S. v. A. Schilling & Co. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 21510. Sample Nos. 46838-H, 47339-H, 58661-H.)

INFORMATION FILED: December 18, 1946, Northern District of California, against A. Schilling & Co., a corporation, San Francisco, Calif.

ALLEGED SHIPMENT: On or about March 12, 13, and 20, 1946, from the State of California into the States of Washington, Oregon, and New Mexico.

LABEL, IN PART: "Dill Seed Whole Spice," or "Anise Whole Seed."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent excreta pellets, rodent excreta pellet fragments, rodent hairs, insects, and insect fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: February 8, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$50 on each count, a total fine of \$150.

10490. Adulteration of chili powder. U. S. v. 5 Boxes * * *. (F. D. C. No. 21388. Sample No. 59928-H.)

LIBEL FILED: October 31, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 23, 1946, by the Baltimore Spice Co., from Baltimore, Md.

PRODUCT: 5 10-pound boxes of chili powder at Mayview, Pa.

LABEL, IN PART: "Ver-E-Good Brand Chili Powder."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 2, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10491. Adulteration of mustard. U. S. v. 12 and 11 Cases * * *. (F. D. C. Nos. 21403, 22332. Sample Nos. 48654-H, 67367-H.)

LIBELS FILED: November 8 and December 27, 1946, District of Nebraska and District of Colorado.

ALLEGED SHIPMENT: On or about August 13 and October 5, 1946, by the Western Food Products Co., from Hutchinson, Kans.

PRODUCT: 12 cases, each containing 12 2-pound jars, of prepared mustard at North Platte, Nebr., and 11 cases, each containing 24 2-pound jars, of mustard at Denver, Colo.

LABEL, IN PART: "Our Family Prepared Mustard," or "Rich Nut Dusseldorf Mustard."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 10 and 30, 1947. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

10492. Adulteration and misbranding of black pepper. U. S. v. 284 Cards * * * (and 13 other seizure actions). (F. D. C. Nos. 21892, 21895 to 21904, incl., 21975, 21976, 22149. Sample Nos. 42722-H to 42730-H, incl., 42739-H, 42900-H, 42949-H, 42959-H, 90501-H.)

LIBELS FILED: November 29 and December 13, 1946, and January 2, 1947, District of Maryland.

ALLEGED SHIPMENT: Between the approximate dates of October 15 and 30, 1946, by Albert B. Koblack, from Philadelphia, Pa.

PRODUCT: Black pepper. 2,245 cards at Baltimore, 57 cards at Hagerstown, and 144 cards at Frederick, Md. Each card contained 12 $\frac{3}{4}$ -ounce envelopes of the product.

LABEL, IN PART: "Pure Black Pepper * * * Packed for Anchor Distributing Co. Philadelphia, Pa.," or "Black Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), (portion) a mixture of buckwheat hulls, buckwheat middlings, salt, and flavor had been substituted in whole or in part for pure black pepper; and (remainder) a product containing foreign materials including starch and salt but little, if any, pepper had been substituted for black pepper.

Misbranding, Section 403 (a), the label statements "Pure Black Pepper" and "Black Pepper" were false and misleading.

DISPOSITION: January 7 and 15 and February 4, 1947. No claimant having appeared for any of the lots, judgments of condemnation were entered and the products were ordered destroyed.

10493. Adulteration and misbranding of black pepper. U. S. v. 367 Cards * * *.
(F. D. C. No. 21843. Sample No. 15499-H.)

LIBEL FILED: December 9, 1946, Western District of Michigan.

ALLEGED SHIPMENT: On or about September 3, 1946, by the Crack-A-Nut Co., from Chicago, Ill.

PRODUCT: 367 cards, each containing 12 ½-ounce packages, of black pepper at Grand Rapids, Mich.

LABEL, IN PART: "Tastegood Brand Extra Fancy Selected Pure Black Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting essentially of cottonseed hulls, soybean hulls, ground buckwheat, wheat flour, and black pepper had been substituted in whole or in part for pure black pepper.

Misbranding, Section 403 (a), the designation "Pure Black Pepper" was false and misleading.

DISPOSITION: February 10, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10494. Adulteration and misbranding of black pepper. U. S. v. 93 Cards * * *.
(F. D. C. No. 21890. Sample No. 42721-H.)

LIBEL FILED: November 29, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about September 3, 1946, by the Cooper Supply Co., from Philadelphia, Pa.

PRODUCT: 93 cards, each containing 12 ¾-ounce bags, of black pepper at Baltimore, Md.

LABEL, IN PART: "Red Star Pure Black Pepper Packed by Red Star Packing Co."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of buckwheat hulls, buckwheat middlings, salt, and flavor had been substituted in whole or in part for pure black pepper, which the article was represented to be.

Misbranding, Section 403 (a), the label designation "Pure Black Pepper" was false and misleading.

DISPOSITION: January 7, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10495. Adulteration and misbranding of black pepper. U. S. v. 3 Cartons * * *.
(F. D. C. No. 22120. Sample No. 90306-H.)

LIBEL FILED: December 23, 1946, District of Columbia.

PRODUCT: 3 cartons, each containing 24 cards of 12 ¾-ounce envelopes, of black pepper offered for sale by Carl's, Washington, D. C.

LABEL, IN PART: "Red Star Pure Black Pepper Packed by Red Star Packing Co., Phila. Pa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting of ground black pepper and ground soybeans had been substituted in whole or in part for pure black pepper.

Misbranding, Section 403 (a), the label designation "Pure Black Pepper" was false and misleading.

DISPOSITION: February 20, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10496. Adulteration and misbranding of black pepper. U. S. v. 50 Cards * * *.
(F. D. C. No. 21405. Sample No. 40518-H.)

LIBEL FILED: November 4, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 12, 1946, by T. A. Ginsberg, from Keokuk, Iowa.

PRODUCT: 50 cards, each containing 24 $\frac{3}{4}$ -ounce packages, of black pepper at St. Louis, Mo.

LABEL, IN PART: "Damore Brand Pure Black Pepper Damore Spice Company, Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting essentially of ground wheat, buckwheat, cottonseed, and soybean hulls had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the label statement "Pure Black Pepper" was false and misleading.

DISPOSITION: December 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization.

10497. Adulteration and misbranding of black pepper. U. S. v. 38 Cards * * *.
(F. D. C. No. 21254. Sample No. 57170-H.)

LIBEL FILED: On or about October 25, 1946, District of Rhode Island.

ALLEGED SHIPMENT: On or about August 20, 1946, by Emsco Food Products, from Dedham, Mass.

PRODUCT: 38 cards, each containing 12 $\frac{3}{4}$ -ounce bags, of black pepper at Providence, R. I.

LABEL, IN PART: "Emsco Brand Black Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting of salt, starch, and pepper had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the designation "Black Pepper" was false and misleading.

DISPOSITION: December 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10498. Adulteration and misbranding of black pepper. U. S. v. 20 Cards * * *.
(F. D. C. No. 21153. Sample No. 53517-H.)

LIBEL FILED: October 3, 1946, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about July 19, 1946, by Penn Food Distributors, from Philadelphia, Pa.

PRODUCT: 20 cards, each containing 12 $\frac{3}{4}$ -ounce packages, of black pepper at Nashville, Tenn.

LABEL, IN PART: "Di Rita's Pure Black Pepper Packed by Di Rita Food Products Phila. Pa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting of salt, ground shells, starch material, and pepper had been substituted in whole or in part for pure black pepper.

Misbranding, Section 403 (a), the label designation "Pure Black Pepper" was false and misleading.

DISPOSITION: January 7, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10499. Adulteration and misbranding of black pepper and white pepper. U. S. v. 429 and 311 Cards * * *.
(F. D. C. Nos. 21728, 21940. Sample Nos. 53904-H, 54723-H.)

LIBELS FILED: November 26 and on or about December 12, 1946, Northern Districts of Ohio and Georgia.

ALLEGED SHIPMENT: On or about October 23 and 28, 1946, by the Gee Zee Food Products Co., from Chicago, Ill.

PRODUCT: 429 cards, each containing 24 1-ounce packages, of black pepper at Akron, Ohio, and 311 cards, each containing 24 $\frac{1}{2}$ -ounce packages, of white pepper at Atlanta, Ga.

LABEL, IN PART: "Gee Zee Finest Pure White Pepper," or "Gee Zee Finest Black Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), (black pepper) a substance consisting essentially of cottonseed hulls, wheat flour, buckwheat, a trace of coriander hulls, and a small amount of black pepper had been substituted in whole or in part for black pepper; and (white pepper) a substance consisting essentially of white pepper and yellow mustard had been substituted in whole or in part for white pepper.

Misbranding, Section 403 (a), the label statements "Black Pepper" and "Pure White Pepper" were false and misleading.

DISPOSITION: January 9 and 10, 1947. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

10500. Adulteration and misbranding of ground nutmeg. U. S. v. 1 Barrel and 1 Bag * * *. (F. D. C. No. 22135. Sample No. 64767-H.)

LIBEL FILED: December 31, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about August 26, 1946, by David G. Evans, from St. Louis, Mo.

PRODUCT: 1 145-pound barrel and 1 100-pound bag of spice at Newark, N. J. The article was invoiced as ground nutmeg.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), ground star anise seed had been substituted for ground nutmeg, which the article was represented to be.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, ground nutmeg.

DISPOSITION: February 10, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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¹ (10397) Injunction issued.
² (10400) Injunction issued; contempt proceedings for injunction violation.

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² (10400) Injunction issued; contempt proceedings for injunction violation.

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frozen perch-----	10415	Empire Pea Growers Assoc.:	
Cape Cod Fillet Co.:		split peas-----	10446
frozen whiting-----	10416	Emsco Food Products:	
Carl's:		black pepper-----	10497
black pepper-----	10495	Enterprise Packers:	
Carpel, H. L., of Baltimore, Inc.:		sirup-----	10395
dog and cat food-----	10411	Evans, D. G.:	
Central Cold Storage:		ground nutmeg-----	10500
frozen whiting-----	10416	Fairview Packing Co.:	
Chambers, Ed:		canned apricots-----	10423
chocolate sirup-----	10393	Federal Candy Co.:	
Clanton, J. C.:		Candy-----	10385
pastry flour and doughnuts---	10364	Feeser, A. W., & Co., Inc.:	
Cohen Brothers:		canned peas-----	10442
cheese-----	10403	Felice, J. J.:	
Colo-Flavor Products, Inc.:		tomato juice, tomato puree, to-	
apricot pulp and canned apri-		mato paste, and diced peaches	10463
cots-----	10421	First National Stores:	
Commander Milling Co.:		butter-----	10398
flour-----	10366, 10368	Fort Worth Pecan Shelling Co.:	
Commodity Sales Co.:		pecan pieces-----	10480
sirup-----	10395	Franklin Peanut Co.:	
Connecticut Macaroni Co., Inc.:		peanuts-----	10478
spaghetti-----	10371	Fresh Frozen Foods:	
Consolidated Pecan Sales Co.:		frozen peaches-----	10427
pecan pieces-----	10481	Frost King Foods, Inc.:	
Cooper Supply Co.:		frozen haddock fillets-----	10414
black pepper-----	10494	Garden State Canning Co.:	
Cooperative Alfalfa Mills, Inc.:		tomato juice-----	10464
alfalfa meal-----	10403	Gee Zee Food Products Co.:	
Cooter Co.:		black pepper and white pepper	10499
canned mustard greens-----	10436	Georgia Canning Co.:	
		canned field peas-----	10444

	N. J. No.		N. J. No.
Ginsberg, T. A.:		King Cole Breweries, Inc.:	
black pepper-----	10496	beer-----	10352, 10354
Golden Meadow Fisheries Co.:		Kinsale Canning Co.:	
frozen shrimp-----	10418	canned tomatoes-----	10454
Goldsmith Pickle Co.:		Klein Chocolate Co., Inc.:	
pickles-----	10447	chocolate coating-----	10390
Graham Co., Inc.:		Koblank, A. B.:	
brazil nuts-----	10477	black pepper-----	10492
Granger & Co.:		Koller Brewing Co.:	
popcorn-----	10376	beer-----	10353
Greatwood Farm Dairy:		Laurie & Massey, Inc. <i>See Lau-</i>	
flavoring sirup-----	10394	rie-Massey:	
Griffith Laboratories:		Laurie-Massey:	
yellow rye dust-----	10381	sirup, flavoring-----	10394
Guggenlime & Co.:		fruit-flavored-----	10358
dried peaches-----	10426	Lebanon Fresh Cheese Corp.:	
Gurtner, John:		Ricotta Salata cheese-----	10407
cheese-----	10401	Leviton, Emanuel:	
Gwinn, J. A.:		candy bars-----	10384
corn meal-----	10361	Lord-Mott & Co.:	
Gwinn Brothers & Co.:		canned peas-----	10441
corn meal-----	10361	McKay, W. G.:	
Hanover Star Milling Co.:		butter----- ¹	10397
enriched phosphated flour-----	10369	Mallory Canning Co.:	
Hargis Canneries, Inc.:		canned blackberries-----	10425
canned blackberries-----	10424	Manitoba Fisheries, Ltd.:	
Hart Canning Co.:		frozen yellow pike-----	10417
canned tomatoes-----	10460	Maryland Baking Co.:	
Haslett Pioneer Warehouse:		ice cream cones and cups-----	10360
rice-----	10379	Matthews & Scott Co., Ltd.:	
Haxton, G. W., & Son:		frozen cod fillets-----	10413
split peas-----	10446	Maurmann Candy Co.:	
Hollister Canning Co. <i>See Felice,</i>		pecan nougat roll-----	10387
<i>J. J.</i>		Melody, Dr. George C., Co.:	
Hopewell Canning Co.:		dog and cat food-----	10411
canned tomatoes-----	10455	Mercantile Food Products Co.:	
Hyman, H. S.:		Saladola-----	10486
ice cream cones and cups-----	10360	Merchants Wholesale Grocery	
Intermountain Food Co.:		Co.:	
canned peaches-----	10428	almonds-----	10473
Irvington Fish & Oyster Co.:		Mississippi Valley Dehydrating	
frozen cod fillets-----	10413	Assoc.:	
Italian Cook Oil Corp.:		alfalfa meal-----	10408
olive oil-----	10487	Moffett, S. A., Co., Inc.:	
Jackson, S., & Son, Inc.:		frozen spinach-----	10451
coffee-----	10357	Montana Flour Mills Co.:	
Jessee Baking Co.:		flour-----	10365
enriched bread and honey		Morgan Packing Co.:	
cracked wheat bread-----	10359	tomato soup-----	10467, 10468
Jewell, J. D., Inc.:		Mt. Vernon Milling Co.:	
frozen poultry-----	10471	brewers flakes-----	10373
June Barbara Chocolate Co.:		National Retailer-Owned Gro-	
candy-----	10385	cers, Inc.:	
Kelley, R. O.:		canned peas-----	10442
canned field peas-----	10443	Nut Food Co., Inc.:	
Kelley, R. O., Cannery:		peanut butter-----	10483
canned field peas-----	10443	Old Dominion Candy Corp.:	
Kennedy, D. H.:		wild cherry drops-----	10388
strawberry puree-----	10434	Old Dutch Brewers, Inc.:	
Ketteringham Canning Co.:		beer-----	10356
canned sweet potatoes-----	10452	Omaha Cold Storage Co.:	
		dressed turkeys-----	10472

¹ (10397) Injunction issued.

	N. J. No.		N. J. No.
Opperman, C. E., Fruit Products Co.:		Sisk, Albert W., & Son, Distributors:	
dried apple pomace-----	10419	canned field peas-----	10444
Oriental Food Products Co.:		Solomon, J., & Sons:	
noodles-----	10370	pecans-----	10479
Overland Candy Corp.:		Southland Products Co.:	
chocolate-----	10389	strawberry puree-----	10434
Owen Canning Corp.:		Sparks Food Products Co.:	
canned peas-----	10440	sauerkraut-----	10449
Packer Products Co.:		Sparks Pickle Co.:	
dog food-----	10412	dill mixed pickles-----	10448
Paist, F. M., Co.:		Stark, F., Products Co.:	
chocolate coating-----	10391	chocolate-covered peanuts-----	10386
Pardue, C. O., & Son:		Stewart's:	
canned tomatoes-----	10460	shelled English walnuts-----	10482
Parrott & Co.:		Sullivan & Chambers:	
canned apricots-----	10422	chocolate sirup-----	10393
Peanut Specialty Co.:		Sunland Manufacturing Co.:	
chocolate-covered peanuts-----	10386	rice-----	10378
Peer Food Products Co.:		Sunrise Do-Nut Co. <i>See</i> Clanton, J. C.	
French Style Dressing-----	10488	Supreme Dairy Products Co. <i>See</i> Alleman, Louis, and Radtke, Dorothy.	
Peloian Packing Co.:		Swift & Co.:	
raisins-----	10431	Colby cheese-----	10405
Penn Food Distributors:		rice-----	10380
black pepper-----	10498	Taylor & Sledd, Inc.:	
Peppard Seed Co.:		canned tomatoes-----	10454
popcorn-----	10377	Thomas & Drake Canning Co.:	
Peterson, E. L., Canning Co.:		canned tomatoes-----	10459
canned spinach-----	10450	Thornton Canning Co.:	
Pitman Grain Co.:		canned apricots-----	10422
stock feed-----	10410	Tigerton Foods:	
Ploegar-Abbott Co.:		canned peas-----	10437
canned field peas with snaps--	10445	Trinidad Bean & Elevator Co.:	
Potomac Creamery Co., Inc.:		split peas-----	10446
butter----- ¹	10397	Trucco, E.:	
Radtke, Dorothy:		brazil nuts-----	10475
cheese----- ²	10400	Turtle Lake Creamery:	
Ranger Joe, Inc.:		butter-----	10399
honey-flavored wheat cereal--	10382	Valdosta Canning Co.:	
Red & White Corp.:		canned pears-----	10429
canned tomatoes-----	10458	Valley Packing Co.:	
Red Star Packing Co.:		canned blackberries-----	10424
black pepper-----	10494, 10495	Virginia Food Products, Inc.:	
Richmond Cold Storage Co., Inc.:		canned tomatoes-----	10457
frozen meat-----	10469	Washington Frosted Foods, Inc.:	
Rockwood & Co.:		frozen broccoli-----	10435
chocolate-----	10389	Webb, Clay M., Co.:	
Saraquse, J.:		canned tomatoes-----	10462
hominy grits-----	10374	Webster, G. L., Co., Inc.:	
Saunders Mills, Inc.:		frozen peaches-----	10427
alfalfa meal-----	10408	Western Food Products Co.:	
Schilling, A., & Co.:		mustard-----	10491
dill seed and anise seed-----	10489	Western Grain Co.:	
Schultz, Baujan & Co.:		corn meal-----	10363
flour-----	10367	Whiteside Cannery:	
Seagate Fisheries, Inc.:		canned mustard greens-----	10436
frozen whiting-----	10415	Wright & Co.:	
Seattle Fish Co.:		canned blackberries-----	10425
frozen whiting-----	10416	Zion's Wholesale Grocery:	
Seiter's, Inc.:		popcorn-----	10375
canned tomatoes-----	10458		
Sexton, John, & Co.:			
apricot pulp-----	10421		

¹ (10397) Injunction issued.² (10400) Injunction issued; contempt proceedings for injunction violation.

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

10501-10700

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

MAURICE COLLINS, *Acting Administrator, Federal Security Agency.*
WASHINGTON, D. C., *August 12, 1947.*

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BEVERAGES AND BEVERAGE MATERIALS*

10501. Adulteration and misbranding of Holler's loganberry-, raspberry-, grape-, strawberry-, and cherry-flavored concentrates (beverage bases). U. S. v. Holler's Concentrated Beverages and J. Carter Hollis and Abraham N. Lerner. Pleas of nolo contendere. Firm fined \$400; individual defendants fined \$500 each and sentenced to 3 months in jail. Fines of individuals remitted and jail sentences suspended. (F. D. C. No. 17839. Sample Nos. 30920-H to 30923-H, incl., 30928-H.)

INFORMATION FILED: July 1, 1946, Southern District of Florida, against Holler's Concentrated Beverages, a partnership, Miami, Fla., and J. Carter Hollis and Abraham N. Lerner, partners.

ALLEGED SHIPMENT: Between the approximate dates of November 5 and November 22, 1944, from the State of Florida into the State of California.

PRODUCT: The products were artificially flavored and artificially colored solutions of water and acid, or acids.

LABEL, IN PART: (Bottles) "Holler's Loganberry [or "Raspberry," "Grape," "Strawberry," or "Cherry"] Flavored Concentrate * * * Holler's Flavors Make Delicious Jellies, Jams." A number of booklets entitled "Holler's all purpose Concentrate Recipes" accompanied the products.

*See also Nos. 10654-10657, 10682.

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial flavoring and artificial coloring had been added to the products and mixed and packed with them so as to make them appear to be concentrates containing substantial proportions of loganberry, raspberry, grape, strawberry, and cherry juices, which concentrates are better and of greater value than were the products.

Misbranding, Section 403 (a), the designs of fruits on the cases and in the recipe booklets, and the statements on the bottle labels, "Loganberry [or "Raspberry," "Grape," "Strawberry," or "Cherry"] Flavored Concentrate," were misleading since they represented and suggested and created in the mind of the reader the impression that the products consisted of concentrates containing a substantial amount of loganberry, raspberry, grape, strawberry, or cherry juice. Further misbranding, Section 403 (a), the statements and design in the labeling, (bottle) "Holler's flavors make delicious Jellies, Jams," (booklets) "Recipe for Making * * * This recipe makes one quart of delicious Jelly," and a design of fruits, were misleading. The statements and design in the labeling created in the mind of the reader the impression that the products would make fruit jellies and jams, whereas they would not make fruit jellies and jams.

DISPOSITION: July 26, 1946. A plea of nolo contendere having been entered, the partnership defendant was fined \$400. The individual defendants were each fined \$500 and sentenced to 3 months in jail. The fines were remitted, the jail sentences were suspended, and the defendants were placed on probation for a period of 1 year.

10502. Adulteration of orange beverage bases. U. S. v. Harrison's Orange Corporation. Plea of guilty. Fine, \$5,000. (F. D. C. No. 17863. Sample Nos. 690-H, 691-H, 695-H, 856-H, 13695-H, 18416-H, 22786-H, 24663-H, 35114-H, 36926-H.)

INFORMATION FILED: August 1, 1946, Northern District of Illinois, against Harrison's Orange Corporation, Chicago, Ill.

ALLEGED SHIPMENT: Between the approximate dates of July 9 and September 13, 1945, from the State of Illinois into the States of Georgia, Ohio, Iowa, Missouri, Alabama, and Washington.

LABEL, IN PART: "Orange Hut Orange," or "Harrison's Day-Ray Orange Flavor Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the articles contained an added deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the articles, and it could have been avoided by good manufacturing practice; and, Section 402 (b) (4), saccharin, a nonnutritive substance, had been added to the article and mixed and packed with it so as to make it appear to be a sugar-sweetened beverage base, which is better and of greater value than the article.

DISPOSITION: August 16, 1946. A plea of guilty having been entered on behalf of the corporation, the court imposed a fine of \$500 on each of 10 counts, a total fine of \$5,000.

10503. Adulteration of orange concentrate and orange flavoring sirup. U. S. v. 1 Barrel of Orange Concentrate and 2 Barrels of Orange Flavoring Syrup. (F. D. C. Nos. 17903, 17927. Sample Nos. 34381-H, 34385-H.)

LIBELS FILED: October 15, 1945, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about September 4 and 12, 1945, by Harrison's Orange Corporation, from Chicago, Ill.

PRODUCT: 1 50-gallon barrel of orange concentrate at Point Pleasant, W. Va., and 2 50-gallon barrels of orange flavoring sirup at Charleston, W. Va.

LABEL, IN PART: (One product) "Harrison's Day-Ray Orange Flavoring Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the articles contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the articles, and it could have been avoided by good manufacturing practice.

DISPOSITION: October 30 and November 20, 1945. No claimant having appeared for either product, judgments of condemnation were entered and the products were ordered destroyed.

10504. Adulteration of Harrison's beverage base and Harrison's beverages. U. S. v. 200 Cases of Harrison's Beverage Base and 94 Cases of Harrison's Beverages. (F. D. C. No. 18065. Sample Nos. 33106-H to 33109-H, incl.)

LIBEL FILED: October 30, 1945, Western District of Kentucky.

ALLEGED SHIPMENT: On or about May 15 and August 20 and 29, 1945, by G and G Distributors, from Salem, Ill.

PRODUCT: 200 cases, each containing 12 quart bottles, of beverage base and 94 cases, containing half-gallon jars, of beverages at Louisville, Ky.

LABEL, IN PART: (Beverage base) "Harrison's Enriched Orange Syrup"; (beverages) "Harrison's Orange Hut Concord Grape Drink Imitation [or "Orange Drink," or "Pineapple Orange Drink"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the articles contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article.

DISPOSITION: November 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10505. Misbranding of beverage bases. U. S. v. 143 Cartons * * *. (F. D. C. No. 18276. Sample No. 21119-H.)

LIBEL FILED: November 6, 1945, Eastern District of Oklahoma.

ALLEGED SHIPMENT: On or about June 27, 1945, by Sunway Fruit Products, from Chicago, Ill.

PRODUCT: 143 cartons, each containing 40 envelopes, of beverage bases at Muskogee, Okla.

LABEL, IN PART: (Envelope) "Freshie * * * Contents Equivalent of 60% Natural Tree-Ripened Fruit Juice * * * Makes 10 True Fruit Flavored Drinks * * * A True Fruit-Flavored Drink * * * Orange [or "Lemon" or "Lime"] Beverage Base"; (carton) "Freshie Beverage Base [Design of a glass surrounded by an orange, a lemon, and a lime]."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statements and designs appearing in the labeling were misleading since they represented and suggested that the articles when used as directed would make beverages containing significant amounts of fruit juices which would derive their characteristic flavor from fruit juices. The articles when used as directed would make beverages containing insignificant amounts of fruit juices, and they would provide no significant flavors or characteristics of fresh fruit juices.

DISPOSITION: January 8, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

10506. Adulteration of beverages. U. S. v. 378 Cases of Root Beer, 52 Cases of Orange Punch Soda, and 52 Cases of Fruit Punch. (F. D. C. No. 18066. Sample Nos. 19289-H to 19292-H, incl.)

LIBEL FILED: November 1, 1945, Southern District of Iowa.

ALLEGED SHIPMENT: On or about September 13 and 24, 1945, by the Silver Cup Beverage Co., from Chicago, Ill.

PRODUCT: 378 cases, 52 cases, and 52 cases, each containing 6 ½-gallon jugs of root beer, orange punch soda, and fruit punch, respectively, at Davenport, Iowa.

LABEL, IN PART: "Silver Cup Old Style Picnic * * * Root Beer," or "Silver Cup * * * Orange Punch Soda [or "Fruit Punch"] Made with Cane Sugar, Citric Acid."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in part omitted from the articles; and, Section 402 (b) (4), saccharin had been mixed and packed with the articles so as to reduce their quality or strength and make them appear better or of greater value than they were.

DISPOSITION: January 8, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

10507. Adulteration of canned orange juice. U. S. v. 1,992 Cases * * *. (F. D. C. No. 18227. Sample No. 21918-H.)

LIBEL FILED: October 29, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about September 13, 1945, by the H. M. Canning Co., from Dyer, Calif.

PRODUCT: 1,992 cases, each containing 24 1-pint, 2-fluid-ounce cans, of orange juice at Atlanta, Ga. Examination showed that the product was undergoing active fermentation.

LABEL, IN PART: "Sunfilled Brand California Orange Juice * * * Distributed by Citrus Concentrates, Inc., Dunedin, Fla."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 1, 1945. Citrus Concentrates, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for separation of the fit portion from the unfit, under the supervision of the Food and Drug Administration.

10508. Adulteration and misbranding of grape juice punch. U. S. v. D. A. Perkins, Inc., and Raymond Wanzer. Pleas of guilty. Fines of \$100 against the corporate defendant and \$400 against the individual defendant. (F. D. C. No. 17813. Sample Nos. 11007-H, 11231-H, 11232-H, 11237-H, 11422-H, 11449-H.)

INFORMATION FILED: March 25, 1946, District of Massachusetts, against D. A. Perkins, Inc., a corporation, Cambridge, Mass., and Raymond Wanzer.

ALLEGED SHIPMENT: Between the approximate dates of January 26 and March 12, 1945, from the State of Massachusetts into the States of New Hampshire and Rhode Island.

LABEL, IN PART: "Concord Grape Juice Punch."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, grape juice, grape juice concentrate, orange, and raspberry, had been in whole or in part omitted from the article; and, Section 402 (b) (4), artificial flavoring and coloring had been added to the article and mixed and packed with it so as to make it appear to be grape juice, which is better and of greater value than the article.

Misbranding, Section 403 (a), the label statements, "Grape Juice Punch * * * Grape Juice Concentrate, Orange, Raspberry * * * use to make * * * jellies," were false and misleading since they represented and suggested that the article contained grape juice, grape juice concentrate, orange, and raspberry, and that fruit jellies could be made by use of it. The article contained no grape juice, grape juice concentrate, orange, and raspberry, and fruit jellies could not be made by use of it; and, Section 403 (k), the article contained artificial flavoring, and it failed to bear labeling stating that fact.

DISPOSITION: December 10, 1946. Pleas of guilty having been entered on behalf of both defendants, the court imposed fines of \$100 against the corporate defendant and \$400 against the individual defendant.

10509. Adulteration and misbranding of grape juice punch. U. S. v. 384 Cases * * *. (F. D. C. No. 14851. Sample No. 84516-F.)

LIBEL FILED: December 28, 1944, Territory of Hawaii.

ALLEGED SHIPMENT: On or about November 24, 1944, by Kockos Brothers, Ltd., from San Francisco, Calif.

PRODUCT: 384 cases, each containing 24 pint bottles, of grape juice punch at Hilo, Territory of Hawaii.

LABEL, IN PART: "Original Monterey Brand * * * Concord Grape Juice Punch * * * California Associated Products Co. Los Angeles, California."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial flavor and color and acids had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was,

Misbranding, Section 403 (a), the label statement "Concord Grape Juice Punch" was false and misleading as applied to the article, which was an artificially flavored and colored solution of water, sugar, and acid, containing an insignificant amount of fruit juice or juices; Section 403 (i) (2), the article was fabricated from 2 or more ingredients, and its label failed to bear the common or usual name of each ingredient; and, Section 403 (k), it contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: November 26, 1946. The California Associated Products Co., claimant, having admitted the misbranding allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Food and Drug Administration.

10510. Adulteration and misbranding of grape beverage. U. S. v. 95 Cases
* * *. (F. D. C. No. 18261. Sample No. 491-H.)

LIBEL FILED: November 21, 1945, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about October 5, 1945, by the Blenheim Bottling Works, from Blenheim, S. C.

PRODUCT: 95 cases, each containing 24 12-ounce bottles, of grape beverage at Lumberton, N. C.

LABEL, IN PART: "Blenheim Special * * * A Blenheim Product."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in whole or in part omitted from the article; Section 402 (b) (2), a beverage containing saccharin had been substituted for a beverage sweetened with sugar; and, Section 402 (b) (4), saccharin had been mixed with the product so as to make it appear to be a beverage sweetened with sugar, which is better and of greater value than the article.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label failed to bear the common or usual name of the product.

DISPOSITION: January 12, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10511. Adulteration of beer. U. S. v. 1,690 Cases and 1 Carload * * * (and 2 other seizure actions). (F. D. C. Nos. 18210, 18214, 18223. Sample Nos. 700-H, 1047-H, 1602-H, 1603-H.)

LIBELS FILED: October 25 and 26 and November 2, 1945, Middle and Eastern Districts of North Carolina and Northern District of Georgia.

ALLEGED SHIPMENT: September 12, 20, and 25, 1945, by the Pilsner Brewing Co., Inc., from New York, N. Y.

PRODUCT: Beer. 1,690 cases and 1 carload, in 12-ounce and 1-quart bottles, at Durham, N. C.; 600 cases, each containing 24 12-ounce bottles, at Wilson, N. C.; and 272 cases, each containing 24 12-ounce bottles, at Atlanta, Ga.

LABEL, IN PART: "Koenigs Special New York's Premium Beer," or "Lion New York's Famous Pilsener Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of (portions) a filthy substance by reason of the presence of insect parts and dirt and (remainder) maggots and dirt. The carload and 600-case lots were adulterated further in that they consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: October 29 and November 7, 1945, and January 7, 1946. The Pilsner Brewing Co., Inc., New York, N. Y., and the American Distributing Co., Atlanta, Ga., claimants, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the beer be destroyed and the containers salvaged under the supervision of the Federal Security Agency.

10512. Adulteration of beer. U. S. v. 1,700 Cases and 840 Cases * * *. (F. D. C. Nos. 18212, 18257. Sample Nos. 1416-H, 1601-H.)

LIBELS FILED: October 30 and November 2, 1945, Eastern and Middle Districts of North Carolina.

ALLEGED SHIPMENT: On or about September 17 and 21, 1945, by the Metropolis Brewery, Inc., from New York, N. Y.

PRODUCT: 840 cases at Winston-Salem, N. C., and 1,700 cases at Wilson, N. C., each case containing 24 bottles of beer.

LABEL, IN PART: "Lion New York's Famous Pilsener Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the Wilson lot consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and dirt, and the Winston-Salem lot consisted in whole or in part of a filthy and decomposed substance by reason of the presence of dirt and mold.

DISPOSITION: November 7, 1945. The Metropolis Brewery, Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the contents be destroyed and that the bottles and cases be salvaged under the supervision of the Food and Drug Administration.

10513. Adulteration of beer. U. S. v. 1,768 Cases * * *. (F. D. C. No. 18207. Sample No. 43221-H.)

LIBEL FILED: October 24, 1945, Middle District of North Carolina.

ALLEGED SHIPMENT: Between the approximate dates of September 15 and 18, 1945, by the Atlantic Co., from Norfolk, Va.

PRODUCT: 1,768 cases, each containing 24 12-ounce bottles, of beer at Durham, N. C.

LABEL, IN PART: "Good Old Atlantic Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and dirt.

DISPOSITION: November 5, 1945. The Atlantic Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for salvage of the bottles and cases and destruction of the contents, under the supervision of the Food and Drug Administration.

10514. Adulteration of beer. U. S. v. 867 Cartons and 819 Cases * * *. (F. D. C. Nos. 18213, 18238. Sample Nos. 1413-H, 1604-H.)

LIBELS FILED: November 2 and 30, 1945, Eastern and Middle Districts of North Carolina.

ALLEGED SHIPMENT: On or about September 12 and 21, 1945, by the North American Brewing Co., from Brooklyn and Fresh Pond, N. Y.

PRODUCT: 867 cartons and 819 cases, each carton and case containing 24 bottles, of beer at Fayetteville and Winston-Salem, N. C., respectively.

LABEL, IN PART: "Doerschuck Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of dirt and mold.

DISPOSITION: November 7, 1945. The North American Brewing Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the beer be destroyed and that the bottles and cases be salvaged under the supervision of the Food and Drug Administration.

10515. Adulteration of beer. U. S. v. 583 Cartons * * *. (F. D. C. No. 18211. Sample No. 1414-H.)

LIBEL FILED: November 1, 1945, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about September 21, 1945, by the Old Dutch Brewers, Inc., from Brooklyn, N. Y.

PRODUCT: 583 cartons, each containing 24 12-ounce bottles, of beer at Raleigh, N. C.

LABEL, IN PART: "Lion New York's Famous Pilsener Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts.

DISPOSITION: November 5, 1945. The Old Dutch Brewers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the contents be destroyed and that the bottles and cases be salvaged under the supervision of the Food and Drug Administration.

10516. Misbranding of 505 Fermentation Inhibitor. U. S. v. 3 Bottles * * *.
(F. D. C. No. 18011. Sample No. 24753-H.)

LIBEL FILED: October 23, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about November 12, 1942, by the Sethness Products Co., Chicago, Ill.

PRODUCT: 3 bottles of 505 Fermentation Inhibitor at New Iberia, La. Examination showed that the product contained per 100 cc. 34 grams of monochloroacetic acid, a poisonous and deleterious substance.

LABEL, IN PART: "Double Strength 505 Fermentation Inhibitor Contains: Water Acetic Derivatives, Food Acids, and Esters and Ethers of Monochloroacetic acid. Use: To be used in Acid products to prevent lactic and alcoholic fermentation and the growth or multiplication of yeast bacteria. Net Contents One Gallon."

NATURE OF CHARGE: Misbranding, Section 403 (a), the libel charged that the label of the article was misleading.

For the nature of charge against substantially the same product, see the following notice of judgment, No. 10517, which reports seizure and disposition of a product containing about the same amount of monochloroacetic acid.

DISPOSITION: December 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10517. Misbranding of Stabilizer 505. U. S. v. 15 and 4 Bottles * * *.
(F. D. C. Nos. 18012, 18013. Sample No. 24874-H.)

LIBELS FILED: October 24, 1945, Southern District of Texas.

ALLEGED SHIPMENT: On or about August 9, 1945, by the Sethness Products Co., Chicago, Ill.

PRODUCT: 19 bottles of beverage stabilizer at Houston, Tex.

LABEL, IN PART: "Stabilizer 505 An aqueous solution of Purified Monochloroacetic Acid, its salts and esters, salt and certified food color For Manufacturing Use Only * * * Net contents one gallon."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling was misleading since the trade mark "Stabilizer 505" coupled with directions for use appearing in the labeling, represented to purchasers that the article was wholesome and suitable for use as a component of beverages for man, whereas it contained about 31 grams of monochloroacetic acid per 100 cc., which is a poisonous and deleterious substance. Furthermore, the labeling failed to reveal the material fact in the light of the representations made therein that the product contained a poisonous and deleterious substance.

DISPOSITION: June 26, 1946. The shipper, the sole intervener, having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.

10518. Misbranding of Effect-O Stabilizer, Stabilizer No. 1295, and Bevco Stabilizer. U. S. v. 3 Bottles of Effect-O (and 2 other seizure actions).
(F. D. C. Nos. 16020, 19961, 20333. Sample Nos. 5532-H, 28822-H, 56879-H, 56880-H.)

LIBELS FILED: Between May 25, 1945, and June 19, 1946, Western District of Washington, District of Nebraska, and District of Rhode Island.

ALLEGED SHIPMENT: Between the approximate dates of May 11, 1944, and May 22, 1946, by the Chandler Laboratories, from Philadelphia, Pa.

PRODUCT: 3 1-gallon bottles of Effect-O Stabilizer at Seattle, Wash., 10 1-gallon jugs of Stabilizer No. 1295 at Providence, R. I., and 4 1-gallon jugs of Bevco Stabilizer at Chadron, Nebr. Examination showed that the Effect-O Stabilizer contained about 13 percent of monochloroacetic acid, that the Stabilizer No. 1295 contained approximately 17 percent of monochloroacetic acid, and that the Bevco Stabilizer contained about 0.47 percent of quaternary ammonium compound.

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling was misleading in that the statement, "Effect-O * * * The Perfect Stabilizer For All Beverages Eliminates the Use of Preservatives * * * Use ½ Oz. To Each Gallon of Bottling Syrup," on the label of the Effect-O Stabilizer, the word "Stabilizer" on the label of the Stabilizer No. 1295, and the statement, "Bevco Stabilizer For All Beverages Use ½ Oz. To Each Gallon of Bottling Syrup or To 6 Gallons of Finished Drink or Beverage," on the label of the Bevco Stabilizer, created the impression that the articles were wholesome and suitable for use as components of beverages or foods used by man.

The Effect-O Stabilizer and the Stabilizer No. 1295 contained monochloroacetic acid, and the labeling failed to reveal the fact that monochloroacetic acid is a poisonous and deleterious substance which rendered the articles unwholesome and unsuitable for use as components of beverages or foods used by man.

The Bevco Stabilizer contained quaternary ammonium compound, a poisonous and deleterious substance, and the labeling failed to reveal the material fact that the product contained a poisonous and deleterious substance.

DISPOSITION: January 17 and August 14 and 27, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

10519. Adulteration of fruit cake. U. S. v. 41 Cases * * *. (F. D. C. No. 17985. Sample No. 21161-H.)

LIBEL FILED: On or about November 1, 1945, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 18, 20, and 26, 1945, by Habib's, from Helena, Ark.

PRODUCT: 41 cases, each containing 48 cartons, of fruit cake at Kansas City, Mo.

LABEL, IN PART: (Carton) "Habibette Miniature of Habib's Fruit Cake Net Weight: Not less than ½ lb."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and rodent hair fragments.

DISPOSITION: November 30, 1945. No claimant having appeared, judgment was entered ordering the product destroyed.

10520. Adulteration of Fruit Nut Bar (cake) and misbranding of fruit cake. U. S. v. 149 Cases and 39 Cases of Fruit Nut Bar and 500 Cases of Fruit Cake. (F. D. C. Nos. 18540, 18541, 19132. Sample Nos. 33650-H, 33660-H, 56317-H.)

LIBELS FILED: December 6, 1945, on or about December 11, 1945, and February 12, 1946, Western District of Oklahoma.

ALLEGED SHIPMENT: Between the approximate dates of July 24, 1945, and October 12, 1945, by the Honey Krust Bakery Co., from Kilgore, Tex.

PRODUCT: 188 cases each containing 30 14-ounce fruit nut bars and 500 cases, each containing 12 2-pound tins, of fruit cake at Oklahoma City, Okla. Examination showed that the fruit cake was short-weight and that the Fruit Nut Bars contained filth.

LABEL, IN PART: "Honey Krust Fruit Nut Bar," or "2 Lb. Honey Krust * * * Holiday Fruit Cake."

NATURE OF CHARGE: Fruit Nut Bar, adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of (in a portion) beetles, larvae, and cast skins, and (in the remainder) insect excreta and webbing.

Fruit cake, misbranding, Section 403 (e) (2), the product failed to bear labels containing an accurate statement of the quantity of the contents.

DISPOSITION: On January 9 and March 20, 1946, no claimant having appeared for the Fruit Nut Bar, judgments of condemnation were entered and the product was ordered destroyed. On February 21, 1946, the Honey Krust Bakery Co. having appeared as claimant for the fruit cake, judgment was entered ordering the product released under bond to be relabeled under the supervision of the Food and Drug Administration.

CORN MEAL*

10521. Adulteration of corn meal. U. S. v. The Morrison Milling Co. and Edward Walter Morrison. Pleas of not guilty. Tried to the court. Verdict of guilty. Fine, \$500; payment suspended. (F. D. C. No. 17788. Sample Nos. 24234-H, 24235-H.)

INFORMATION FILED: January 30, 1946, Eastern District of Texas, against the Morrison Milling Co., a corporation, Denton, Tex., and Edward Walter Morrison, president and treasurer.

ALLEGED SHIPMENT: On or about March 2, 1945, from the State of Texas into the State of Mississippi.

LABEL, IN PART: "Morrison's Premium Fresh Ground Cream Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta pellet fragments, rodent hair fragments, insect larvae, larvae cast skin and capsule, fragments resembling rodent pellet fragments, insect fragments, fragments of bird excreta, corn ear worm fragments, insects, an insect head, and an unidentified hair fragment; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 26, 1946. The defendants having entered pleas of not guilty, the case came on for trial before the court on November 25, 1946. After consideration of the evidence and arguments of counsel, the court found both defendants guilty and imposed a total fine of \$500. Payment of the fine was suspended for 18 months, conditioned upon the compliance of the defendants with the Federal Food, Drug, and Cosmetic Act.

10522. Adulteration of corn meal. U. S. v. 100 and 206 Bales * * *. (F. D. C. Nos. 18564, 18721. Sample Nos. 21393-H, 23136-H.)

LIBELS FILED: December 12, 1945, and January 5, 1946, Eastern and Western Districts of Missouri.

ALLEGED SHIPMENT: On or about October 22 and November 4, 1945, by the Crete Mills, from Crete, Nebr.

PRODUCT: 100 bales, each containing 10 5-pound bags, of corn meal at St. Louis, Mo., and 206 bales, each containing 10 5-pound bags, of corn meal at Kansas City, Mo.

LABEL, IN PART: "Victor [or "Mammy Lou"] * * * Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 31 and March 20, 1946. No claimant having appeared, judgments of condemnation were entered and the St. Louis lot was ordered sold to the highest bidder to be denatured for use other than human consumption, and the Kansas City lot was ordered destroyed. The latter lot was subsequently denatured for use as hog feed.

10523. Adulteration of corn meal. U. S. v. 22 and 13 Bags * * *. (F. D. C. Nos. 18035, 18036. Sample Nos. 1219-H, 1220-H.)

LIBELS FILED: October 23 and November 21, 1945, Middle District of Georgia and Northern District of Florida.

ALLEGED SHIPMENT: On or about September 14 and 28, 1945, by the Western Grain Co., from Birmingham, Ala.

PRODUCT: Corn meal. 22 100-pound bags at Thomasville, Ga., and 13 100-pound bags at Tallahassee, Fla.

LABEL, IN PART: "Cabin Home Enriched Old Style Unbolted Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils.

DISPOSITION: November 15, 1945, and May 18, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to Federal institutions, for use as animal feed.

*See also Nos. 10527, 10528.

10524. Adulteration of corn meal. U. S. v. 54 Bags * * *. (F. D. C. No. 18073. Sample No. 13321-H.)

LABEL FILED: November 1, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 16, 1945, by the Aylor and Meyer Co., from Aurora, Ind.

PRODUCT: 54 100-pound bags of corn meal at Reading, Ohio.

LABEL IN PART: "Romeo White Bolted Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta pellets.

DISPOSITION: November 6, 1945. The Aylor and Meyer Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.

10525. Adulteration of corn meal. U. S. v. 22 Bags * * *. (F. D. C. No. 18111. Sample No. 13324-H.)

LABEL FILED: November 7, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 24, 1945, by the Aylor and Meyer Co., from Aurora, Ind.

PRODUCT: 22 100-pound bags of white corn meal at Cincinnati, Ohio.

LABEL IN PART: "Romeo White Bolted Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta fragments.

DISPOSITION: November 16, 1945. The Aylor and Meyer Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.

10526. Adulteration of corn meal. U. S. v. 1,199 Bags * * * (and 2 other seizure actions). (F. D. C. Nos. 18879, 18881, 18922. Sample Nos. 9672-H, 9824-H to 9827-H, incl.)

LIBELS FILED: January 18 and 29, 1946, Western District of New York.

ALLEGED SHIPMENT: Between the approximate dates of November 9 and 23, 1945, from New Ulm, Minn.

PRODUCT: 1,902 100-pound bags of yellow corn meal at Buffalo, N. Y., in possession of Buffalo Merchandise Warehouse. The product was stored under insanitary conditions after shipment. The warehouse was heavily infested with rodents, and examination showed that the product contained rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 23 and February 4, 1946. The Gerhard Lang Brewery, Buffalo, N. Y., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the unfit portion be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

FLOUR

Nos. 10527 to 10544 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.) The flour reported in Nos. 10545 and 10546 failed to meet the standard for enriched flour.

10527. Adulteration of flour and corn meal. U. S. v. Bewley Mills and William P. Bomar. Pleas of guilty. Fine of \$200 against both defendants jointly. (F. D. C. No. 15565. Sample Nos. 61955-F, 61960-F, 24957-H, 24958-H, 24536-H, 24528-H, 24801-H, 25006-H.)

INFORMATION FILED: April 1, 1946, Northern District of Texas, against the Bewley Mills, a corporation, Fort Worth, Tex., and William P. Bomar, president, general manager, and treasurer.

ALLEGED SHIPMENT: Between the approximate dates of October 10, 1944, and November 16, 1945, from the State of Texas into the States of Mississippi and Louisiana.

LABEL, IN PART: "Bowley's Ole-Fashion Corn Meal," "Baker's Fortune Flour," "Biscuit Baker Flour," or "Anchor Hard Wheat Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3) the articles consisted in whole or in part of filthy substances by reason of the presence of (in the corn meal) beetles, larvae, insect fragments, rodent excreta fragments, and rodent hair fragments, and (in the flour) insect fragments and insect excreta; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: October 31, 1946. Pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of \$25 on each of 8 counts against both defendants, jointly, a total fine of \$200.

10528. Adulteration of flour, rye meal, and corn meal. U. S. v. 125 Bags * * * (and 6 other seizure actions). (F. D. C. Nos. 18655, 18657 to 18660, incl., 18709, 18710. Sample Nos. 3543-H, 3545-H to 3549-H, incl., 3551-H, 3553-H, 3554-H.)

LIBELS FILED: December 13, 14, and 29, 1945, District of Maryland.

ALLEGED SHIPMENT: Between the approximate dates of December 15, 1944, and September 29, 1945, from Detroit, Mich., Clifton, N. J., New Ulm, Minn., Kankakee, Ill., and Seitzville, Pa.

PRODUCT: 365 100-pound bags of plain flour, 30 100-pound bags of whole wheat flour, 20 100-pound bags of corn flour, 5 100-pound bags of rye flour, 100 100-pound bags of corn meal, and 10 100-pound bags of rye meal at Baltimore, Md., in possession of the Terminal Warehouse Company. The products were stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the products contained larvae, insects, rodent excreta, and urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: On February 1 and 12, 1946, Louis Rabai, Baltimore, Md., claimant for 214 bags of plain flour, and Louis Proietti, Baltimore, Md., claimant for 125 bags of plain flour and 90 bags of corn meal, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond to be denatured and relabeled for use as stock feed. On March 4, 1946, no claimant having appeared for the remainder of the products, judgments of condemnation were entered and the products were ordered sold for use as stock feed.

10529. Adulteration of corn flour, peanut cake meal, and barley malt. U. S. v. 11,200 Bags * * * (and 3 other seizure actions). (F. D. C. Nos. 17609 to 17612, incl. Sample Nos. 8001-H to 8020-H, incl.)

LIBELS FILED: September 27, 1945, Eastern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of August 24, 1944, and June 15, 1945, from Wilkes-Barre, Pa., Suffolk, Va., Chicago, Ill., and Milwaukee, Wis.

PRODUCT: 16,000 bags of corn flour, 600 bags of peanut cake meal, and 857 bags of barley malt at Staten Island, N. Y., in possession of the Riveredge Warehouse Corporation. The products were stored under insanitary conditions after shipment. Many of the bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the products contained rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: October 10, 1945. The cases having been consolidated, and Walderstein Co., Inc., claimant, having admitted the allegations of the libels, judgment of condemnation was entered and it was ordered that the products be

released under bond, conditioned that the unfit portions of the corn flour and barley malt be segregated and used in the manufacture of alcohol, and the residue denatured for animal feed or technical uses; that the peanut cake meal be processed for manufacture of an enzymatic desizing agent used in the textile trade, and the residue disposed of for fertilizer, or destroyed; and that the Food and Drug Administration exercise supervision over the carrying out of the conditions of the decree.

10530. Adulteration of flour and farina. U. S. v. 91 Bags * * * (and 3 other seizure actions). (F. D. C. No. 18116. Sample Nos. 50606-H to 50609-H, incl.)

LIBEL FILED: November 15, 1945, District of Minnesota.

ALLEGED SHIPMENT: On or about October 29, 1945, by the Roberts Co., from Menomonie, Wis.

PRODUCT: 63 50-pound bags and 28 25-pound bags of plain flour, 10 5-pound bags of farina, 7 5-pound bags of rye flour, and 21 5-pound bags of rye graham flour at Minneapolis, Minn.

LABEL, IN PART: "Pillsbury's Best All Purpose Enriched Flour Bleached," "Pillsbury's Choice Farina," "Pillsbury's Pure Rye Graham Flour," or "Pillsbury's Pure Medium Rye Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of weevils and larvae; and, in addition, (in the plain flour) rodent excreta.

DISPOSITION: December 12, 1945. The Pillsbury Mills, Inc., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be denatured for stock feed, under the supervision of the Federal Security Agency.

10531. Adulteration of flour. U. S. v. 1,000, 1,296, and 2,129 Bags * * *. (F. D. C. Nos. 18492, 18572. Sample Nos. 29873-H to 29877-H, incl., 30041-H.)

LIBELS FILED: November 26 and December 14, 1945, Northern District of California.

ALLEGED SHIPMENT: Between the approximate dates of September 22 and November 5, 1945, from Portland, Oreg., by the Terminal Flour Mills Co.

PRODUCT: 1,000 100-pound bags of flour at Oakland, Calif., and 3,425 100-pound bags of flour at Stockton, Calif. The lot located at Oakland was found to contain weevils, and the 2 lots at Stockton were found to contain urine. The latter lots had been stored or handled under insanitary conditions, as shown by rodent urine stains on the bags. The time and place of such contamination was not determined.

LABEL, IN PART: "Fairfax Special Pat.," "Old Faithful," or "Blue Ribbon."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), a portion had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 14, 1945, and February 12, 1946. The Southern Pacific Co., claimant for the Oakland lot, and the Terminal Flour Mills Co., claimant for the Stockton lots, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

10532. Adulteration of flour. U. S. v. 300 Bags * * * . (F. D. C. No. 18255. Sample No. 4652-H.)

LIBEL FILED: October 29, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 12, 1945, by the La Grange Mills, from Red Wing, Minn.

PRODUCT: 300 100-pound bags of flour at Philadelphia, Pa.

LABEL, IN PART: "Old Glory Choice Patent Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and larvae.

DISPOSITION: November 30, 1945. The La Grange Mills, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

10533. Adulteration of flour. U. S. v. 283 Bags * * *. (F. D. C. No. 17940. Sample No. 1301-H.)

LIBEL FILED: October 15, 1945, Middle District of Georgia.

ALLEGED SHIPMENT: On or about June 15 and July 17, 1945, by the H. C. Cole Milling Co., from Memphis, Tenn.

PRODUCT: 283 10-pound bags of flour at Valdosta, Ga.

LABEL, IN PART: "Omega Pure Soft Wheat Flour Vitamins and Mineral Enriched Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and cast skins.

DISPOSITION: November 14, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

10534. Adulteration of flour. U. S. v. 96 Bags * * *. (F. D. C. No. 18162. Sample No. 3522-H.)

LIBEL FILED: October 15, 1945, District of Maryland.

ALLEGED SHIPMENT: On or about July 5 and 18 and August 9, 1945, from Belleville, Ill.

PRODUCT: 96 100-pound bags of enriched flour at Baltimore, Md., in possession of the Great Atlantic and Pacific Tea Company. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained larvae and cast skins.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 2, 1946. The Great Atlantic and Pacific Tea Company claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing and conversion into stock feed, under the supervision of the Food and Drug Administration.

10535. Adulteration of flour. U. S. v. 19 Sacks * * *. (F. D. C. No. 17957. Sample No. 35670-H.)

LIBEL FILED: October 17, 1945, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about July 19, 1945, by the Wall Rogalsky Milling Co., from McPherson, Kans.

PRODUCT: 19 100-pound bags of flour at Pine Bluff, Ark.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: November 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a State institution, for use as animal feed.

10536. Adulteration of flour. U. S. v. 131 Bags * * *. (F. D. C. No. 18199. Sample Nos. 1308-H, 1309-H.)

LIBEL FILED: October 24, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about December 4, 1944, and April 4, 1945, by the General Food Sales Co., from Evansville, Ind.

PRODUCT: 131 100-pound bags of pastry flour at Jacksonville, Fla.

LABEL, IN PART: "Igleheart's Swans Down Cake Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect parts.

DISPOSITION: December 17, 1945. Igleheart Brothers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

10537. Adulteration of flour. U. S. v. 295 Bags * * *. (F. D. C. No. 18029. Sample Nos. 35674-H, 35675-H.)

LIBEL FILED: October 25, 1945, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about July 26, 1945, by the Newton Mill and Elevator Co., from Blackwell, Okla.

PRODUCT: 195 50-pound bags and 100 25-pound bags of phosphated flour at McGehee, Ark.

LABEL, IN PART: "Beaut-E-Bake Bleached Phosphated Flour Enriched."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: November 21, 1945. The Dermott Grocery Co., McGehee, Ark., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.

10538. Adulteration of flour. U. S. v. 144 Bags * * *. Product ordered delivered to a public institution. (F. D. C. No. 18051. Sample No. 35698-H.)

LIBEL FILED: October 29, 1945, Western District of Arkansas.

ALLEGED SHIPMENT: On or about August 13, 1945, by Chickasha Milling Co., from Chickasha, Okla.

PRODUCT: 144 50-pound bags of enriched phosphated flour at Malvern, Ark.

LABEL, IN PART: "Enriched Full Cream Superior To All Enriched Phosphated Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and cast skins.

DISPOSITION: On December 17, 1945, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On January 3, 1946, the decree was amended to provide for delivery of the product to a public institution, for use as stock feed.

10539. Adulteration of flour. U. S. v. 80 and 50 Bags * * *. (F. D. C. No. 18049. Sample Nos. 35691-H, 35692-H.)

LIBEL FILED: October 26, 1945, District of Arkansas.

ALLEGED SHIPMENT: On or about February 19 and June 2, 1945, by Chickasha Milling Co., from Chickasha, Okla.

PRODUCT: 80 50-pound bags of phosphated flour and 49 50-pound bags of self-rising flour at Rison, Ark.

LABEL, IN PART: "Enriched Full Cream Superior Enriched Phosphated Flour," or "Western Light Top Quality Enriched Self Rising Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of beetles and larvae.

DISPOSITION: November 21, 1945. No claimant having appeared, judgment of condemnation was entered and the phosphated flour was ordered delivered to a charitable institution, for animal feeding, and the self-rising flour was ordered destroyed.

10540. Adulteration of flour. U. S. v. 192 Bags * * *. (F. D. C. No. 18186. Sample Nos. 399-H, 400-H.)

LIBEL FILED: October 26, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about June 16 and July 20, 1945, by the Dunlop Milling Co., Division of Igleheart Bros., Inc., from Clarksville, Tenn.

PRODUCT: 100 5-pound bags and 92 25-pound bags of self-rising flour at Lake City, Fla.

LABEL, IN PART: "Bleached Seven Roses Self-Rising Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: December 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10541. Adulteration of flour. U. S. v. 58 Bags * * *. (F. D. C. No. 18024. Sample No. 35678-H.)

LIBEL FILED: October 23, 1945, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about July 16, 1945, by the Quaker Oats Co., from St. Joseph, Mo.

PRODUCT: 58 50-pound bags of self-rising flour at Dermott, Ark.

LABEL, IN PART: "Ocean Glow Flour Self-Rising Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: December 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10542. Adulteration of flour. U. S. v. 20 Bags * * *. (F. D. C. No. 17943. Sample No. 13767-H.)

LIBEL FILED: October 15, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 28, 1945, by the Globe Milling Co., from Watertown, Wis.

PRODUCT: 20 100-pound bags of rye flour at Cleveland, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: November 5, 1945. The Star Elevator Co., claimant, Cleveland, Ohio, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be used in the manufacture of animal feed, under the supervision of the Food and Drug Administration.

10543. Adulteration of soy flour. U. S. v. 25 Bags * * *. (F. D. C. No. 18074. Sample No. 23520-H.)

LIBEL FILED: November 1, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 7, 1945, from Decatur, Ill.

PRODUCT: 25 100-pound bags of soy flour at St. Louis, Mo., in possession of the Southern Terminal Warehouse Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the article contained rodent hairs and rodent pellets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured and such other safeguards adopted against its use for human consumption as should be directed by the Federal Security Agency.

10544. Adulteration of flour. U. S. v. 32 Bags * * *. (F. D. C. No. 18050. Sample No. 35700-H.)

LIBEL FILED: October 29, 1945, Western District of Arkansas.

ALLEGED SHIPMENT: On or about August 31, 1945, by the Ralston Purina Co., from St. Louis, Mo.

PRODUCT: 32 100-pound bags of whole wheat flour at Hot Springs, Ark.

LABEL, IN PART: "Purina Whole Wheat Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: On December 17, 1945, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On January 3, 1946, this order was amended to permit the delivery of the product to a public institution, for use as stock feed.

10545. Adulteration and misbranding of enriched flour. U. S. v. 200 Bags * * *.
(F. D. C. No. 18000. Sample No. 23089-H.)

LIBEL FILED: On or about October 25, 1945, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about September 15, 1945, by the Inland Mills, Inc., from Des Moines, Iowa.

PRODUCT: 200 25-pound bags of enriched flour at Danville, Ill. The product contained approximately 0.76 milligram of thiamine (vitamin B₁) and 6.19 milligrams of iron per pound.

LABEL, IN PART: "Bleached Paxton's Silk Maid Flour * * * Vitamin Enriched."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine (vitamin B₁) and iron, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched flour since the standard requires that enriched flour shall contain in each pound not less than 2.0 milligrams of thiamine (vitamin B₁) and not less than 13.0 milligrams of iron.

DISPOSITION: December 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

10546. Adulteration and misbranding of enriched flour. U. S. v. 125 Bags * * *.
(F. D. C. No. 18118. Sample No. 35137-H.)

LIBEL FILED: On or about November 8, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 23, 1945, by the Moore-Lowry Flour Mills Co., from Coffeyville, Kans.

PRODUCT: 125 25-pound bags of enriched flour at Excello, Mo. The product contained 1.41 milligrams of thiamine (vitamin B₁) per pound.

LABEL, IN PART: "Old Squire Enriched 'King of All' Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched flour since it contained less than 2.0 milligrams of thiamine (vitamin B₁) per pound.

DISPOSITION: December 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

MACARONI AND NOODLE PRODUCTS

10547. Adulteration and misbranding of macaroni products. U. S. v. 22 Cases * * * (and 6 other seizure actions). (F. D. C. Nos. 18064, 18109, 18114, 18132, 18263, 18360, 18428. Sample Nos. 3243-H, 10360-H to 10363-H, incl., 10370-H to 10372-H, incl., 10970-H, 52601-H.)

LIBELS FILED: Between November 2 and 24, 1945, Western District of Virginia, Northern and Southern Districts of Ohio, Southern District of Indiana, and Northern District of West Virginia.

ALLEGED SHIPMENT: Between the approximate dates of July 5 and September 26, 1945, by the Vimco Macaroni Products Co., from Carnegie, Pa.

PRODUCT: 149 cases of macaroni and 247 case of spaghetti at Staunton, Va., Bellaire and Warren, Ohio, Indianapolis, Ind., and Wheeling, New Martinsville, and Terra Alta, W. Va.

LABEL, IN PART: "Fireside Brand Elbow Macaroni [or "Long Spaghetti"],"
 "Mayfair Club Elbow Macaroni [or "Spaghetti"]," "First Prize Spaghetti,"
 "La Carnegie Brand Macaroni Products * * * Elbows [or "Spaghetti"],"
 or "Kenny's Spaghetti."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles in 5 of the shipments consisted in whole or in part of filthy substances by reason of the presence of rodent hairs, rodent hair fragments, and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 402 (d), the containers of 1 of the shipments referred to above, and of the 2 remaining shipments, were so filled as to be misleading since the article in 1 shipment occupied on an average only about 45 percent of the capacity of the package, and the articles in 2 other shipments occupied on an average about 65 percent and 70 percent, respectively, of the capacity of the packages.

DISPOSITION: Between December 12, 1945, and March 18, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

10548. Adulteration of macaroni products. U. S. v. 130 Cases of Macaroni and 75 Cases of Spaghetti. (F. D. C. No. 17986. Sample Nos. 14546-H to 14548-H, incl.)

LIBEL FILED: October 24, 1945, Southern District of Indiana.

ALLEGED SHIPMENT: On or about August 1, 1945, by the Kentucky Macaroni Co., from Louisville, Ky.

PRODUCT: 84 cases, each containing 12 2-pound boxes, of macaroni and 46 cases, each containing 24 7-ounce packages, of macaroni and 75 cases, each containing 24 7-ounce packages, of spaghetti at Evansville, Ind.

LABEL, IN PART: "Speedway Brand * * * Elbow Macaroni," or "Farmers Pride Brand Spaghetti [or "Macaroni"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 14, 1945. No claimant having appeared, judgment of forfeiture was entered and the products were ordered destroyed.

10549. Adulteration of egg noodles. U. S. v. 37 Cases * * *. (F. D. C. No. 17968. Sample No. 14411-H.)

LIBEL FILED: October 17, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about April 4, 1945, by Schoneberger and Sons, from Chicago, Ill.

PRODUCT: 37 cases, each containing 12 1-pound packages, of egg noodles at Ashland, Ohio.

LABEL, IN PART: "Gold Spun Egg Noodles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and fragments resembling rodent hairs.

DISPOSITION: December 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10550. Adulteration of Ravioli Dinner. U. S. v. 68 Cartons * * *. (F. D. C. No. 18103. Sample No. 23525-H.)

LIBEL FILED: November 7, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 12, 1944, by Wyler & Co., from Chicago, Ill.

PRODUCT: 68 cartons, each containing 12 4½-ounce packages, of Ravioli Dinner at St. Louis, Mo.

LABEL, IN PART: "Wyler's Ravioli Dinner."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles.

DISPOSITION: On December 7, 1945, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that it should not be disposed of for human consumption. On January 4, 1946, the marshal having been unable to sell the product, it was ordered destroyed.

MISCELLANEOUS CEREAL PRODUCTS*

10551. Adulteration of ground barley. U. S. v. 200 Bags * * *. (F. D. C. No. 17661. Sample No. 1212-H.)

LIBEL FILED: October 12, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about September 24, 1945, by the Atlantic Co., from Norfolk, Va.

PRODUCT: 200 100-pound bags of ground barley at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: October 27, 1945. The Atlantic Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.

10552. Adulteration of brewers flakes. U. S. v. 550 Bags * * *. (F. D. C. No. 17710. Sample No. 14410-H.)

LIBEL FILED: October 4, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of August 16 and 31, 1945, by the Lauhoff Grain Co., from Danville, Ill.

PRODUCT: 550 80-pound bags of brewers flakes at Cleveland, Ohio.

LABEL, IN PART: "Silver Flake Frumentum."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of moths, beetles, larvae, and insect fragments.

DISPOSITION: October 9, 1945. The Standard Brewing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured and converted into animal feed, under the supervision of the Food and Drug Administration.

10553. Adulteration of brewers flakes. U. S. v. 450 * * *. (F. D. C. No. 17708. Sample No. 14408-H.)

LIBEL FILED: October 4, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 9 and 22, 1945, by the Decatur Milling Co., from Decatur, Ill.

PRODUCT: 450 80-pound bags of brewers flakes at Cleveland, Ohio.

LABEL, IN PART: "Cerealine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, moths, and insect fragments.

DISPOSITION: October 9, 1945. The Standard Brewing Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured and converted into animal feed, under the supervision of the Food and Drug Administration.

10554. Adulteration of brewers flakes. U. S. v. 331 and 60 Bags * * *. Default decrees of condemnation. Portion of product ordered sold for use as animal feed; remainder ordered destroyed. (F. D. C. Nos. 17344, 17624. Sample Nos. 12427-H, 13471-H.)

LIBELS FILED: September 10 and October 1, 1945, District of Massachusetts and Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about June 20 and July 23, 1945, by the Charles A. Krause Milling Co., from Milwaukee, Wis.

*See also Nos. 10529, 10530.

PRODUCT: Brewers flakes. 60 100-pound bags at Newport, Ky., and 331 100-pound bags at Springfield, Mass.

LABEL, IN PART: "Jiffimalt Brewers' [or "Brewing"] Flakes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of moths, beetles, larvae, and insect fragments.

DISPOSITION: On October 2 and November 5, 1945, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. On October 15, 1945, an amended decree was entered ordering the sale of the Newport lot for use as stock feed.

10555. Adulteration of brewers flakes. U. S. v. 110 Bags * * *. (F. D. C. No. 17345. Sample No. 13472-H.)

LIBEL FILED: On or about September 15, 1945, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about June 19, 1945, by the Mount Vernon Milling Co., from Mount Vernon, Ind.

PRODUCT: 110 100-pound bags of brewers flakes at Newport, Ky.

LABEL, IN PART: "Sno-Fluf Brewers Flakes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of moths, larvae, and insect fragments.

DISPOSITION: On October 2, 1945, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On October 15, 1945, by amended decree, the court ordered the product sold for use as stock feed.

10556. Adulteration of brewers grits. U. S. v. 366 Bags * * *. (F. D. C. No. 17724. Sample No. 14214-H.)

LIBEL FILED: October 3, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 1, 1944, by Penick and Ford, Inc., from Cedar Rapids, Iowa.

PRODUCT: 366 100-pound bags of brewers grits at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles.

DISPOSITION: October 12, 1945. The Heidelberg Brewing Co., Covington, Ky., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.

10557. Adulteration of brewers malt. U. S. v. 500 Bags * * *. (F. D. C. No. 18323. Sample No. 4578-H.)

LIBEL FILED: November 2, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 30, 1945, by the Fleischmann Malting Co., Chicago, Ill.

PRODUCT: 500 90-pound bags of brewers malt at Norristown, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles.

DISPOSITION: November 28, 1945. The Adam Scheidt Brewing Co., Norristown, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

10558. Adulteration of oatmeal. U. S. v. 21 Bags * * *. (F. D. C. No. 18123. Sample No. 52605-H.)

LIBEL FILED: November 9, 1945, Southern District of Indiana.

ALLEGED SHIPMENT: On or about July 3, 1945, by the White Villa Grocers, Inc., from Cincinnati, Ohio.

PRODUCT: 21 bags of oatmeal at Indianapolis, Ind.

LABEL, IN PART: "Imperial 100 Lbs. Net Weight Steel Cut Oatmeal Made By The Quaker Oats Company."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and insect fragments.

DISPOSITION: December 14, 1945. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

10559. Adulteration of popcorn. U. S. v. 49 Bags * * * (and 4 other seizure actions against popcorn). (F. D. C. Nos. 18071, 18072, 18500, 18501, 18838, 19588. Sample Nos. 18794-H, 18795-H, 24902-H, 24903-H, 51018-H, 51063-H.)

LIBELS FILED: Between the approximate dates of November 7, 1945, and April 5, 1946, District of Minnesota, Western District of Wisconsin, and Southern District of Texas.

ALLEGED SHIPMENT: Between the approximate dates of May 31 and August 23, 1945, by the Central Popcorn Co., Schaller, Iowa, and Minneapolis, Minn.

PRODUCT: Popcorn. 200 bags at Minneapolis, Minn., 7 bags at St. Paul, Minn., 37 bags at Eau Claire, Wis., and 94 bags at Houston, Tex., each bag containing 100 pounds.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, weevils, insect fragments, insect excreta, and rodent-gnawed and insect-damaged kernels.

DISPOSITION: Between January 8 and April 26, 1946. The First Brokerage Co., Minneapolis, Minn., the Favorite Confection Co., Eau Claire, Wis., and Sidney Myers, Inc., Houston, Tex., having appeared as claimants for their respective portions of the articles, judgments of condemnation were entered and the product was ordered released under bond. The decrees provided that the lot at Minneapolis be utilized in the manufacture of distilled spirits; that one of the Houston lots be ground into feed for animals or poultry; and that the Eau Claire lot be disposed of in compliance with the law, which lot was denatured for use as animal feed. No claims were entered for the remaining lots, one of which was condemned and ordered destroyed, and the other was ordered destroyed unless disposed of as animal feed.

10560. Adulteration of popcorn. U. S. v. 134 Bags * * *. (F. D. C. No. 18078. Sample No. 21925-H.)

LIBEL FILED: November 2, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about July 21, 1945, by the Atkins Popcorn Co., from Durant, Okla.

PRODUCT: 134 100-pound bags of popcorn at Memphis, Tenn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: December 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for purposes other than human consumption, after being denatured under the supervision of the Food and Drug Administration.

10561. Adulteration of popcorn. U. S. v. 216 Cases * * *. (F. D. C. No. 18009. Sample No. 16335-H.)

LIBEL FILED: October 19, 1945, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about April 4, 1945, by Fuller Foods, from Chicago, Ill.

PRODUCT: 216 cases, each containing 24 6½-ounce jars, of popcorn at Milwaukee, Wis.

LABEL, IN PART: "Fuller Fine Foods * * * Pop Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy kernels.

DISPOSITION: December 17, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10562. Adulteration of popcorn. U. S. v. 15 Dozen Packages * * *. (F. D. C. No. 18115. Sample No. 9497-H.)

LIBEL FILED: November 9, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about July 14, 1945, by the Eppley Popcorn Company, from Wabash, Ind.

PRODUCT: 15 dozen 8-ounce packages of popcorn at Buffalo, N. Y.

LABEL, IN PART: "Eppley's Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent-gnawed kernels and larvae.

DISPOSITION: December 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10563. Adulteration of popcorn. U. S. v. 42 Cartons * * *. (F. D. C. No. 17990. Sample Nos. 35124-H, 35125-H.)

LIBEL FILED: October 19, 1945, Eastern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of September 20 and 29, 1945, by the Lahm Potato Chip Co., from St. Louis, Mo.

PRODUCT: 12 cartons, each containing 60 packages, and 30 cartons, each containing 30 packages, of popcorn at Belleville, Ill.

LABEL, IN PART: "Lahm's Beau Brummell Popcorn Mineral Oil and Salted Certified Color Added," or "A Winner Lahm's Popcorn Vegetable Oil and Salted Certified Color Added."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained approximately 15 percent added mineral oil, a deleterious substance which may have rendered the product injurious to health; and, Section 402 (b) (2), popcorn with artificially colored mineral oil and salt had been substituted for popcorn with edible oil and salt.

DISPOSITION: November 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10564. Adulteration of popcorn. U. S. v. 60 Bags * * *. (F. D. C. No. 18081. Sample No. 22795-H.)

LIBEL FILED: November 5, 1945, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about October 12, 1945, by the Lahm Potato Chip Co., St. Louis, Mo.

PRODUCT: 60 1-ounce bags of popcorn at East St. Louis, Ill.

LABEL, IN PART: "Lahm's Beau Brummel Popcorn Mineral Oil" and Salted Certified Color Added."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained approximately 19 percent added mineral oil, a deleterious substance which may have rendered the product injurious to health; and, Section 402 (b) (2), popcorn with artificially colored mineral oil and salt had been substituted for popcorn with edible oil and salt.

DISPOSITION: November 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10565. Adulteration of bakers starch. U. S. v. 136 Bags * * *. (F. D. C. No. 18271. Sample No. 4654-H.)

LIBEL FILED: October 31, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 23, 1945, by the A. E. Staley Manufacturing Co., from Decatur, Ill.

PRODUCT: 136 140-pound bags of bakers starch at Philadelphia, Pa.

LABEL, IN PART: "Staleys Special Bakers Starch."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and larvae.

DISPOSITION: December 6, 1945. The A. E. Staley Manufacturing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration and disposed of for purposes other than human consumption.

10566. Adulteration of wheat cereal and soya grits. U. S. v. 8 Bags of Wheat Cereal and 20 Bags of Soya Grits. (F. D. C. No. 17757. Sample Nos. 37233-H, 37234-H.)

LIBEL FILED: October 11, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about May 11, 1945, from Hawthorne, Ill.

PRODUCT: 8 100-pound bags of wheat cereal and 20 100-pound bags of soya grits at Portland, Oreg., in possession of Portland Auto Delivery. The products were stored under insanitary conditions. Some of the bags were rodent-gnawed, and rodent excreta was observed on them. Examination showed that the products contained rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 6, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

CHOCOLATE, SUGAR, AND RELATED PRODUCTS

CANDY

10567. Adulteration and misbranding of candy. U. S. v. United Candy Co. and Edward T. James. Pleas of nolo contendere. Partnership fined \$400; individual fined \$500, but fine suspended. (F. D. C. No. 17855. Sample Nos. 632-H, 633-H.)

INDICTMENT RETURNED: March 18, 1946, Western District of North Carolina, against the United Candy Co., a partnership, and Edward T. James, a partner.

ALLEGED SHIPMENT: On or about May 11, 1945, from the State of North Carolina into the State of Georgia.

LABEL, IN PART: "United Candies Chocolate Bar [or "Square"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, chocolate, had been in whole or in part omitted; and, Section 402 (d), the product was confectionery, and it contained a nonnutritive substance, mineral oil.

Misbranding, Section 403 (a), the label statement "Chocolate Bar" or "Chocolate Square" was false and misleading since the product contained no chocolate.

DISPOSITION: April 1, 1946. Pleas of nolo contendere having been entered, the partnership was fined \$100 on each of 4 counts. The individual defendant was fined \$500, but the fine was suspended, and he was placed on probation for a period of 2 years.

10568. Adulteration of candy. U. S. v. 40 Boxes * * * (and 9 other seizure actions). (F. D. C. Nos. 19204, 19233 to 19238, incl., 19264, 19406, 19407. Sample Nos. 3185-H, 3186-H, 3579-H, 3590 to 3596-H, incl., 5311-H, 5312-H.)

LIBELS FILED: February 12, 21, and 25 and on or about March 8, 1946, District of Maryland, District of New Jersey, and District of Columbia.

ALLEGED SHIPMENT: Between the approximate dates of January 7 and February 4, 1946, by J. Schwartz and Sons, from Philadelphia, Pa.

PRODUCT: 1,233 boxes, each containing 24 bars, of candy at Baltimore, Md., Camden, N. J., and Washington, D. C.

LABEL, IN PART: "Schwartz's American Chewing Candy 5¢ Net Weight 1¼ Oz.," or "24 Count 5¢ Peanut Brittle Bars."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, rodent hair fragments, insects, insect fragments, and mites; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 18, 26, and 29, April 5, and May 31, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10569. Adulteration of candy. U. S. v. 316 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 18411, 18522. Sample Nos. 10378-H, 10379-H, 10381-H, 10382-H.)

LIBELS FILED: November 21 and December 4, 1945, Northern District of West Virginia and Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 23 and 26, 1945, by the D. L. Clark Co., from Pittsburgh, Pa.

PRODUCT: 316 Boxes at Wheeling, W. Va., and 81 boxes at Steubenville, Ohio, each box containing 24 candy bars.

LABEL, IN PART: "Clark's Winker," or "Clark Bar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, webbing, insect excreta, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 8 and 9, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10570. Adulteration of candy. U. S. v. 81 Chests and 70 Packages * * *. (F. D. C. No. 18091. Sample Nos. 9492-H, 9493-H.)

LIBEL FILED: November 7, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about October 4, 1945, by the Liberty Chocolate Co., from Boston, Mass.

PRODUCT: 81 1-pound chests and 70 2-pound packages of candy at Buffalo, N. Y.

LABEL, IN PART: "Sue Perkins Chocolates Chest Package," or "Sue Perkins Chocolates."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10571. Adulteration of candy. U. S. v. 114 and 66 Boxes * * *. (F. D. C. Nos. 18128, 18129. Sample Nos. 9654-H, 9655-H.)

LIBELS FILED: November 14, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about August 21 and 27, 1945, by Reib Factors, Inc., from Dallas, Tex.

PRODUCT: 180 boxes each containing 16 candy bars at Rochester, N. Y.

LABEL, IN PART: "Cap'n Billy Spanish Nougat Bar [or "Zat-Zit Caramel Bar"] Jay-Dee Candy Co. Dallas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments.

DISPOSITION: December 10, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10572. Adulteration of candy. U. S. v. 56 Cartons * * *. (F. D. C. No. 18043. Sample No. 50603-H.)

LIBEL FILED: October 25, 1945, District of Minnesota.

ALLEGED SHIPMENT: On or about August 14, 1945, by the Dearborn Trading Co., from Philadelphia, Pa.

PRODUCT: 56 cartons each containing 24 candy bars at Minneapolis, Minn.

LABEL, IN PART: "Ko-Kets Original Coconut Flavored Confection Manufactured by Standard Candy Co. Philadelphia, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, weevils, mites, insect parts, and rodent hairs.

DISPOSITION: December 27, 1945. No claimant having appeared, judgment was entered ordering that the product be destroyed.

10573. Adulteration of coconut parfait. U. S. v. 9 and 8 Cases * * *. (F. D. C. Nos. 18259, 18260. Sample Nos. 11669-H, 11670-H.)

LIBELS FILED: November 1, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 29 and September 24, 1945, by Snyders, Inc., from Erie, Pa., and by the Whelan Co., from Bradford, Pa. These were return shipments.

PRODUCT: 16 cases, each containing 5 6-pound boxes, and 1 case, containing 10 6-pound boxes, of coconut parfait at Lawrence, Mass., in possession of the Blue Bird Candy Co.

LABEL, IN PART: (Box) "Made in Cuba Fresh Coconut Parfait * * * Miramar Products Company Havana Cuba."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rancid candy.

DISPOSITION: March 11, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10574. Adulteration of Fruit Bars (candy). U. S. v. 68 Boxes * * *. (F. D. C. No. 18087. Sample No. 36477-H.)

LIBEL FILED: November 7, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about May 23, 1945, by the National Grocery Co., from Seattle, Wash.

PRODUCT: 68 boxes of Fruit Bars at Portland, Oreg.

LABEL, IN PART: "California Fruit Bars * * * Manufactured by Fruit Bar Products Co., Los Angeles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, webbing, and insect excreta.

DISPOSITION: December 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10575. Adulteration and misbranding of popcorn confection. U. S. v. 44 Boxes * * * (and 5 other seizure actions). (F. D. C. Nos. 18472, 18633, 18634, 18711, 18712, 18938. Sample Nos. 868-H, 1064-H, 1069-H, 1126-H to 1128-H, incl., 1231-H.)

LIBELS FILED: Between the dates of December 3, 1945, and January 8, 1946, Eastern and Western Districts of South Carolina and Western District of North Carolina.

ALLEGED SHIPMENT: Between the approximate dates of July 14 and October 24, 1945, by the Almonette Candy Co., from Lynn, Mass.

PRODUCT: Popcorn confection. 44 boxes at Anderson, 192 boxes at Spartanburg, and 19 boxes at Sumter, S. C., and 59 boxes at Canton and 15 boxes at Bryson City, N. C. Each box contained 60 $\frac{3}{4}$ -ounce bars of popcorn confection.

LABEL, IN PART: (Bar wrapper) "Tasty Crunchy Delicious Molasses, Peanut Cornette."

NATURE OF CHARGE: Adulteration, Section 402 (d), the article was confectionery, and it contained a nonnutritive substance, mineral oil.

Misbranding, Section 403 (a), (2 lots) the prominent words "Molasses, Peanut," which preceded the name "Cornette," were misleading in that they implied that the product consisted chiefly of molasses and peanuts, whereas it consisted chiefly of popcorn, corn sirup, and sugar.

DISPOSITION: January 12, 22, and 23 and February 4 and 6, 1946. No claimant having appeared for any of the lots, judgments of condemnation were entered and the product was ordered destroyed.

CHOCOLATE

10576. Adulteration of chocolate coating. U. S. v. 45 Bags * * *. (F. D. C. No. 18120. Sample No. 10377-H.)

LIBEL FILED: November 9, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of August 2 and 25, 1945, by Walter Baker and Co., Inc., Milton, Mass.

PRODUCT: 45 bags, each containing 20 10-pound slabs, of chocolate coating at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, webbing, and insect excreta.

DISPOSITION: November 20, 1945. The D. L. Clark Co., Pittsburgh, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by removal of all filth, under the supervision of the Food and Drug Administration.

10577. Adulteration of chocolate coating. U. S. v. 5 and 19 Bales * * *. (F. D. C. Nos. 18553, 19310. Sample Nos. 12858-H, 52413-H.)

LIBELS FILED: February 13, 1945, and March 11, 1946, Northern District and Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 4 and November 10, 1945, by the Klein Chocolate Co., Elizabethtown, Pa.

PRODUCT: 5 bales, each containing 20 10-pound slabs, of chocolate coating at Kenton, Ohio, and 19 bales, each containing 20 10-pound slabs, of chocolate coating at Washington Court House, Ohio.

LABEL, IN PART: "Klein's Kotemor Sweet Chocolate Coating," or "Klein's Popular Sweet Chocolate Coating."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, larvae, beetles, and insect parts.

DISPOSITION: January 11 and April 25, 1946. The Runkle Co., claimant for the Kenton lot, and the Washington Court House Candy Co., claimant for the Washington Court House lot, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

10578. Adulteration of chocolate coating. U. S. v. 7 Cases * * *. (F. D. C. No. 18075. Sample No. 14435-H.)

LIBEL FILED: November 8, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 20, 1945, by the Bachman Chocolate Manufacturing Co., from Mount Joy, Pa.

PRODUCT: 7 cases, each containing 5 10-pound slabs, of chocolate coating at Akron, Ohio.

LABEL, IN PART: "Bachman Chocolate Coatings and Liquors."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: January 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SIRUP AND SUGAR

10579. Adulteration and misbranding of table sirup. U. S. v. Dad's Quality Syrup Co. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 15546. Sample Nos. 34921-F, 34922-F, 63376-F.)

INFORMATION FILED: January 28, 1946, Northern District of Florida, against the Dad's Quality Syrup Co., a partnership, Gainesville, Fla.

ALLEGED SHIPMENT: On or about July 13 and August 12, 1944, from the State of Florida into the State of Georgia.

LABEL, IN PART: "Maple Leaf Brand Dad's Quality * * * Syrup Made of Cane and Maple Syrup By Geo. W. Dreblow & Son Gainesville, Fla.," or "It's Different Dad's Best Quality Pure Sugar Cane Syrup."

NATURE OF CHARGE: Maple Leaf Brand Syrup, adulteration, Section 402 (b) (4), artificial flavoring and artificial coloring had been added to the article and mixed and packed with it so as to make it appear to be maple sirup, which is better and of greater value than the article. Misbranding, Section 403 (a), the statement "Maple Leaf * * * Syrup" appearing in large conspicuous type on the label of the article, and the design of a maple leaf prominently displayed on the labels, were misleading in that they represented and suggested and engendered the impression in the mind of the reader that the article consisted of maple sirup. The article did not consist of maple sirup but consisted of an artificially flavored and artificially colored mixture of sugar, or sugars, and water, containing an insignificant amount of maple sirup; Section 403 (c), the article was an imitation of another food, maple sirup, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and, Section 403 (k), the article contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

Pure Sugar Cane Syrup, adulteration, Section 402 (b) (2), a mixture of sugar, water, invert sugar, and glucose, containing little or no cane sirup, had been substituted in whole or in part for cane sirup, which the article was represented to be. Misbranding, Section 403 (a), the statement "Pure Sugar Cane Syrup" on the label was false and misleading since the article was not cane sirup but was a mixture of sugar, invert sugar, water, and (in a portion) glucose, with little or no cane sirup; and, Section 403 (i) (2), the article failed to bear a label containing the common or usual name of each of its ingredients, since its label failed to bear a statement that it contained sugar, invert sugar, water, and (in a portion) glucose.

DISPOSITION: June 12, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$50 on each count, a total fine of \$300.

10580. Adulteration and misbranding of cane sirup. U. S. v. 8 Cases * * * (and 2 other seizure actions). Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond. (F. D. C. Nos. 18216, 18231, 18232. Sample Nos. 11582-H, 11586-H, 11589-H.)

LIBELS FILED: October 25 and 29 and November 5, 1945, District of New Hampshire and Massachusetts.

ALLEGED SHIPMENT: On or about June 18, 1945, by the Dubon Co., from Ville Platte, La.

PRODUCT: Sugar Cane Syrup. 8 cases, each containing 6 jars, at Nashua, N. H., and 332 cases and 270 cases, each containing 6 jars, at Lowell and Lynn, Mass., respectively.

LABEL, IN PART: "'Open Kettle' Brand Sugar Cane Syrup * * * Packed For J. S. Brown and Son, New Iberia, La."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), molasses had been substituted in whole or in part for sugar cane sirup.

Misbranding (Lowell and Lynn lots), Section 403 (a), the label statement "Sugar Cane Syrup" was false and misleading as applied to an article containing molasses.

DISPOSITION: November 23, 1945. No claimant having appeared for the Nashua lot, judgment of condemnation was entered and the product was ordered destroyed.

February 18, 1946. Philip Porter, Inc., Nashua, N. H., claimant for the Lowell and Lynn lots, having consented to the entry of a decree, the cases were consolidated and judgment of condemnation was entered. The product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

10581. Adulteration of sugar. U. S. v. 11 Bags * * *. (F. D. C. No. 18042. Sample No. 36396-H.)

LIBEL FILED: October 25, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about July 5, 1945, from Crockett, Calif.

PRODUCT: 11 100-pound bags of sugar at Salem, Oreg.

LABEL, IN PART: "Canners Granulated Sugar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of urine.

DISPOSITION: December 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. **10582 to 10589**; that was below the legal standard for milk fat content, Nos. **10589 to 10592**; and that was short of the declared weight, No. **10592**.

10582. Adulteration of butter. U. S. v. 499 Cases * * *. (F. D. C. No. 18307. Sample Nos. 13681-H, 13682-H.)

LIBEL FILED: August 14, 1945, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about August 8, 1945, by the Merchants Creamery Co., from Cincinnati, Ohio.

PRODUCT: 499 cases, each containing 20 pounds, of butter at Charleston, W. Va. Analysis showed that the product contained mold.

LABEL, IN PART: "Kroger's Country Club Quality Brand * * * Packed for The Kroger Grocery & Baking Co. General Offices, Cincinnati, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed substance.

DISPOSITION: September 13, 1945. The Merchants Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

10583. Adulteration of butter. U. S. v. 57 Cubes (3,990 pounds) * * *. (F. D. C. No. 18306. Sample No. 26194-H.)

LIBEL FILED: October 3, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about September 13, 1945, by the Kelly Creamery, from Elk City, Okla.

PRODUCT: 57 70-pound cubes of butter at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 10, 1945. The Kelly Creamery, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be disposed of for purposes other than for human consumption, under the supervision of the Food and Drug Administration.

10584. Adulteration of butter. U. S. v. 56 68-pound Cubes * * *. (F. D. C. No. 18308. Sample No. 24007-H.)

LIBEL FILED: On or about August 21, 1945, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about June 30, 1945, by the Southern Butter Co., from Muskogee, Okla.

PRODUCT: 56 68-pound cubes of butter at Meridian, Miss. Analysis showed that the product contained mold.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed animal substance.

DISPOSITION: September 20, 1945. The Southern Butter Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into refined butter oil, under the supervision of the Food and Drug Administration.

10585. Adulteration of butter. U. S. v. 27 Cases * * *. (F. D. C. No. 18316. Sample No. 14019-H.)

LIBEL FILED: September 25, 1945, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about September 12, 1945, by the Fairmont Creamery Co., from Columbus, Ohio.

PRODUCT: 27 cases, each containing 32 1-pound cartons, of butter at Huntington, W. Va. The product contained excessive mold mycelia.

LABEL, IN PART: "Fairmont's Better Brand Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy or decomposed substance.

DISPOSITION: October 16, 1945. The Fairmont Creamery Co., Omaha, Nebr., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be converted into butter oil, under the supervision of the Federal Security Agency.

10586. Adulteration of butter. U. S. v. 121 Cartons and 6 Cases (421 pounds) * * *. (F. D. C. Nos. 18305, 18314. Sample Nos. 13497-H, 13690-H.)

LIBELS FILED: September 13 and 26, 1945, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about September 11 and 20, 1945, by French-Bauer, Inc., from Cincinnati, Ohio.

PRODUCT: Butter. 121 1-pound cartons at Maysville, Ky., and 6 50-pound cases at Covington, Ky.

LABEL, IN PART: "Clover Blossom Brand Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and dirt in both lots, and rodent hair fragments in the Covington lot. Both lots consisted in whole or in part of a decomposed substance since they were made from decomposed cream, as evidenced by a high mold mycelia count. Further adulteration, Section 402 (a) (4), the Covington lot had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth, since an inspection of the factory disclosed insanitary conditions and the use of large amounts of filthy and decomposed cream in the manufacture of butter.

DISPOSITION: On September 26, 1945, French-Bauer, Inc., claimant for the Covington lot, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be disposed of for purposes other than for human consumption, under the supervision of the Food and Drug Administration. On October 22, 1945, no claimant having appeared for the remaining lot, judgment of condemnation was entered and the product was ordered sold for use as salvage fat.

10587. Adulteration of butter. U. S. v. 4 Cases * * *. (F. D. C. No. 18163. Sample Nos. 13297-H, 13298-H.)

LIBEL FILED: August 20, 1945, Eastern District of Kentucky; amended libel filed October 15, 1945.

ALLEGED SHIPMENT: On or about August 14, 1945, by French-Bauer, Inc., from Cincinnati, Ohio.

PRODUCT: 3 cases, each containing 50 pounds, and 1 case, containing 44 pounds, of butter at Covington, Ky.

LABEL, IN PART: "Clover Blossom Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (original libel) the article consisted in whole or in part of a filthy or decomposed animal substance, since analysis showed the product to have a high mold mycelia count, which

was conclusive evidence of decomposition; and (additional charge in amended libel) the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, fly fragments, and insect fragments.

DISPOSITION: On or about August 22, 1945, French-Bauer, Inc., filed a motion to strike certain matter from the record and to dismiss the libel, alleging that a product having a high mold mycelia count does not consist in whole or in part of a filthy or decomposed animal substance, and that a high mold mycelia count is not conclusive evidence of decomposition. On October 15, 1945, the court overruled the motion, and the libel was subsequently amended. On October 30, 1945, the claimant having admitted the facts in the libel and amended libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

10588. Adulteration of butter. U. S. v. 10 Cases * * *. (F. D. C. No. 18299. Sample No. 24815-H.)

LIBEL FILED: On or about August 7, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 19, 1945, by the Jerpe Dairy Products Corporation, from Fayetteville, Ark.

PRODUCT: 10 32-pound cases of butter at New Orleans, La. Analysis showed that the product contained mold.

LABEL, IN PART: "Clear Brook Creamery Butter Wilson & Co., Distributors * * * Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed animal substance.

DISPOSITION: September 10, 1945. No claimant having appeared, judgment of condemnation was entered and the butter was ordered sold to rendering plants for processing into products other than those for human consumption, for use in the war effort.

10589. Adulteration of butter. U. S. v. 475 Boxes (15,200 pounds) * * *. (F. D. C. No. 18293. Sample Nos. 7474-H, 7475-H.)

LIBEL FILED: August 28, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about August 3, 1945, by the Davis-Cleaver Produce Co., Quincy, Ill.

PRODUCT: 475 boxes, each containing 32 1-pound prints, of butter at New York, N. Y. Analysis showed that the product contained mold.

LABEL, IN PART: (Portion) "Ferndale Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, and decomposed substance; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 17, 1945. The Davis-Cleaver Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into refined butter oil, under the supervision of the Food and Drug Administration.

10590. Adulteration of butter. U. S. v. 85 Cartons (5,440 pounds) * * *. (F. D. C. No. 18294. Sample Nos. 7446-H to 7454-H, incl.)

LIBEL FILED: August 23, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about August 2, 1945, by the Twin Rivers Co., Inc., Grand Island, Nebr.

PRODUCT: 85 cartons, each containing 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: (Portions) "Butter S. & W. Waldbaum, Inc. Distributors New York, N. Y.," or "Creamery Butter Distributed by United Creameries Service Omaha, Nebr."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 4, 1945. The Loup City Cooperative Creamery, the Broken Bow Creamery, the Arnold Creamery, and the Calloway Creamery,

claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

10591. Adulteration of butter. U. S. v. 40 Cartons (2,400 pounds) * * *.
(F. D. C. No. 18298. Sample No. 7455-H.)

LIBEL FILED: August 25, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about August 14, 1945, by the Plymouth Creamery Co., Le Mars, Iowa, from Sioux City, Iowa.

PRODUCT: 40 60-pound cartons of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed By Standard Butter & Egg Co. 101 New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 5, 1945. The Standard Butter & Egg Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

10592. Adulteration and misbranding of butter. U. S. v. Denison Poultry & Egg Company. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 12573. Sample No. 61526-F.)

INFORMATION FILED: November 14, 1944, Eastern District of Texas, against the Denison Poultry & Egg Co., a partnership, Denison, Tex.

ALLEGED SHIPMENT: On or about February 24, 1944, from the State of Texas into the State of Louisiana.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. The label statement "1 Lb. Net Wt." was inaccurate and incorrect since the packages contained less than 1 pound net weight of butter.

DISPOSITION: December 4, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$150.

CHEESE

10593. Adulteration of cheese. U. S. v. C. E. Zuercher & Co. and Clement E. Zuercher. Pleas of guilty. Fine of \$375 against each defendant. (F. D. C. No. 17810. Sample Nos. 86641-F, 87918-F, 87919-F, 87921-F.)

INFORMATION FILED: May 31, 1946, Northern District of Illinois, against C. E. Zuercher & Co., a partnership, Chicago, Ill., and Clement E. Zuercher, a partner.

ALLEGED VIOLATION: The defendants received quantities of adulterated cheese in interstate commerce at Chicago, Ill., on or about October 20, 1944, from Green Bay, Wis., and delivered it to a cheese processor at Chicago, Ill., in violation of Section 301 (c).

On or about November 17, 1944, the defendants shipped quantities of adulterated cheese from the State of Illinois to the State of Wisconsin.

LABEL, IN PART: (Portion) "Nauvoo Blue Cheese Manufactured by Nauvoo Milk Products Co. Nauvoo, Illinois," or "Spring Green Cry. Spring Green, Wis."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the lot received in interstate commerce and delivered to the processor consisted in whole or in part of a decomposed substance by reason of the presence of mold and decomposed cheese, and the lots shipped in interstate commerce consisted in whole or in part of a filthy and decomposed substance by reason of the presence of mites, insect fragments, rodent hair fragments, and decomposed cheese.

DISPOSITION: December 12, 1946. Pleas of guilty having been entered, the court imposed fines of \$125 on each count upon both the partnership and the individual defendant, a total fine of \$750, plus costs.

10594. Adulteration of cheese. U. S. v. 25 Hoops * * *. (F. D. C. No. 18164. Sample No. 5938-H.)

LIBEL FILED: October 16, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about April 4, 1945, by the Hamilton Food Store, from Schenectady, N. Y.

PRODUCT: 25 hoops each containing 2 40-pound cheeses at West New York, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live and dead flies, maggots, and other insects.

DISPOSITION: November 19, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10595. Adulteration of Cheddar cheese. U. S. v. 62 Boxes * * *. (F. D. C. No. 18044. Sample No. 25960-H.)

LIBEL FILED: October 30, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about October 3, 1945, by the Cudahy Packing Company, Dairy and Poultry Division, from Culbertson, Nebr.

PRODUCT: 62 boxes each containing 3 cheeses weighing about 22 to 25 pounds each, at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts, rodent hairs, and nondescript dirt; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10596. Adulteration and misbranding of grated cheese. U. S. v. 300 Cards * * * (and 4 other seizure actions). (F. D. C. Nos. 19941, 20304, 20515, 20516, 20553. Sample Nos. 8487-H, 56888-H, 56891-H, 56893-H, 56894-H, 57158-H.)

LIBELS FILED: Between May 21 and July 22, 1946, Districts of Connecticut, Rhode Island, and Massachusetts.

ALLEGED SHIPMENT: Between the approximate dates of December 3, 1945, and March 26, 1946, by the Rialto Food Products Co., from Philadelphia, Pa.

PRODUCT: 1,047 cards, each containing 12 envelopes, of grated cheese at New Haven, Conn., Providence, R. I., and Springfield, Mass. The article contained, variously, from 14 to 21 percent of lactose, showing the presence of a milk product other than cheese.

LABEL, IN PART: (Cards) "Chef Rialto Cheese"; (some envelopes) "Italian Style Cheese"; (other envelopes) "Italian Style Grated Cheese Made from imported and domestic cheese with partially skimmed cheese added"; (other envelopes) "Highest Quality Chef Rialto."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for "Italian Style [or "Grated"] Cheese."

Misbranding, Section 403 (a), the designation on the cards "Cheese" and the statement on some envelopes "Italian Style Grated Cheese," or "Italian Style Cheese," were false and misleading as applied to an article containing a milk product other than cheese; and, Section 403 (i) (2), the label failed to bear the common or usual name of each of the ingredients.

DISPOSITION: June 2, August 27 and 28, and September 6, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

CREAM

10597. Adulteration of cream. U. S. v. 2 10-Gallon Cans * * * (and 14 other seizure actions). (F. D. C. Nos. 19466 to 19476, incl., 19499, 19500, 19502 to 19504, incl. Sample Nos. 25708-H, 25716-H, 25717-H, 47096-H, 47098-H, 47099-H, 47560-H, 47562-H, 47565-H, 47801-H, 47804-H, 47806-H, 47807-H, 47811-H, 47813-H, 47814-H.)

LIBELS FILED: Between March 14 and 22, 1946, District of Colorado.

ALLEGED SHIPMENT: Between the approximate dates of March 6 and 15, 1946, by the Gartin Creamery Co., Franklin, Nebr., the Soukup Produce Co., Ellsworth, Kans., St. Francis Merc. Equity Exchange, Saint Francis, Kans., Braden Produce, Smith Center, Kans., the Cudahy Packing Co., Alma, Nebr., Pflughoft Produce, Lincoln Center, Kans., Grant Produce, Grant, Nebr., Berry Produce, Quinter, Kans., Perkin Mercantile Co., Maywood, Nebr., C. W. Hedglin, Boelus, Nebr., G. H. Pumphrey, Shickley, Nebr., and R. R. Mills, North Platte, Nebr.

PRODUCT: 43 10-gallon cans of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; feather barbules; cat, cow, rodent, and human hair; and threads, vegetable fibers, carbon, plant fragments, and nondescript dirt.

DISPOSITION: Between March 14 and 22, 1946. The consignees having consented to the immediate destruction of the product, judgments were entered ordering that it be destroyed.

10598. Adulteration of cream. U. S. v. 1 10-gallon Can * * * (and 5 other seizure actions). (F. D. C. Nos. 19189, 19192, 19194 to 19196, incl., 19199. Sample Nos. 25969-H, 26894-H, 26896-H, 26898-H, 26900-H, 47012-H.)

LIBELS FILED: On October 26 and 31 and November 26, 1945, District of Colorado.

ALLEGED SHIPMENT: Between the approximate dates of October 20 and November 14, 1945, by the Farmers Union Co-op Gas & Oil Co., from Big Springs, Nebr., B. F. Smiley, from Broadwater, Nebr., the Grant Produce Co., from Grant, Nebr., A. L. Bangert, from Big Springs, Nebr., and St. Francis Merc. Equity Exchange, from Saint Francis, Kans.

PRODUCT: 15 10-gallon cans of cream at Denver, Colo. Examination showed that the product contained one or more of the following types of filth: Feather barbules; cow, dog, cat, and rodent hairs; insects, insect parts, and larvae; and nondescript dirt.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: October 26 and 31 and November 26, 1945. The consignees having consented to the entry of orders for the immediate destruction of the product, judgments were entered ordering that it be destroyed.

10599. Adulteration of cream. U. S. v. 4 5-Gallon Cans * * * (and 2 other seizure actions). (F. D. C. Nos. 18284, 18285, 18287. Sample Nos. 10176-H to 10180-H, incl., 10921-H to 10923-H, incl.)

LIBELS FILED: August 23 and September 13, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of August 18 and September 6, 1945, by William F. Bauman, from Salineville, Ohio; Clark Stipolt, from Albright, W. Va.; John C. Lilly, from Cumberland, Md.; Andrew Johnson, from Westfield, N. Y.; J. G. Demuth, from Rockville, Md.; and Edgar O. Johnston, from Monterey, Va.

PRODUCT: Cream. 4 5-gallon cans at Millvale, Pa., and 1 1/10-gallon can and 1 1/5-gallon can at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance.

DISPOSITION: August 23 and September 13, 1945. The consignees having consented, orders for the immediate destruction of the product were entered.

EGGS

10600. Adulteration of dried eggs. U. S. v. T. M. Duche & Sons, Inc. Plea of guilty. Imposition of sentence suspended. (F. D. C. No. 11362. Sample Nos. 1364-F, 4280-F, 5655-F, 19595-F, 22016-F, 22597-F, 37641-F, 37642-F.)

INFORMATION FILED: October 27, 1944, Southern District of New York, against T. M. Duche and Sons, Inc., New York, N. Y.

ALLEGED SHIPMENT: Between the approximate dates of November 13, 1942, and February 1, 1943, from the State of New York into the States of Michigan, Pennsylvania, Maine, Missouri, Ohio, and Illinois.

LABEL, IN PART: "Duche Golden Fluff Spray Whole Egg Powder."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 14, 1946. A plea of guilty having been entered on behalf of the defendant, the court suspended imposition of sentence on all counts.

10601. Adulteration of frozen whole eggs. U. S. v. 750 Cans * * *. (F. D. C. No. 18273. Sample No. 8126-H.)

LIBEL FILED: November 1, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about October 13, 1945, by the Monark Egg Corporation, Kansas City, Mo.

PRODUCT: 750 30-pound cans of frozen whole eggs at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 1, 1945. Middle West Distributors of Frozen Eggs, Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, or denatured, under the supervision of the Food and Drug Administration.

10602. Adulteration of frozen whole eggs. U. S. v. 728 Cans * * *. (F. D. C. No. 18254. Sample No. 8121-H.)

LIBEL FILED: October 30, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about June 25, 1945, by Irving Manaster and Co., from Amery, Wis.

PRODUCT: 728 30-pound cans of frozen whole eggs at New York, N. Y.

LABEL, IN PART: "Better Quality Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: December 8, 1945. Irving Manaster and Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, or denatured, under the supervision of the Food and Drug Administration.

10603. Adulteration of frozen whole eggs. U. S. v. 372 Cans * * *. (F. D. C. No. 18240. Sample No. 8124-H.)

LIBEL FILED: November 1, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 17, 1945, by the Schneider Egg Company, from Amery, Wis.

PRODUCT: 372 30-pound cans of frozen whole eggs at Brooklyn, N. Y.

LABEL, IN PART: "Better Quality Brand * * * Distributed by Better Quality Egg Co. Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: December 6, 1945. Irving Manaster & Company, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was order released under bond, conditioned that the unfit portion be segregated and denatured, or otherwise treated, under the supervision of the Federal Security Agency, so that it could not be disposed of for human consumption.

10604. Adulteration of shell eggs. U. S. v. 514 Cases * * *. (F. D. C. No. 18229. Sample No. 7315-H.)

LIBEL FILED: October 26, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about August 18, 1945, by A. J. Pietrous, from Sleepy Eye, Minn.

PRODUCT: 514 cases of shell eggs at Jersey City, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 9, 1945. A. J. Pietrous and Sons, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured, or destroyed, under the supervision of the Food and Drug Administration.

FISH AND SHELLFISH

10605. Adulteration of canned salmon. U. S. v. 148 and 59 Cases * * *. (F. D. C. Nos. 18062, 18063. Sample Nos. 30023-H, 30025-H.)

LIBELS FILED: November 8, 1945, Territory of Hawaii.

ALLEGED SHIPMENT: On or about October 15, 1945, from San Francisco, Calif., by Kockos Brothers, Limited.

PRODUCT: 148 cases and 59 cases, each containing 48 cans, of salmon at Honolulu, T. H.

LABEL, IN PART: (Can) "Contents 7 Oz. Avd. Fancy Kippered Crescent Bay Salmon Salt Added Packed by Paul's Cannery Crescent City, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 28, 1946. T. Sumida & Co., Ltd., and the Yuen Chong Co., Ltd., Honolulu, T. H., claimants for the respective lots, having admitted the adulteration of the product, judgments of condemnation were entered and the product was ordered released under bond for reshipment to San Francisco and disposal, under the supervision of the Food and Drug Administration.

10606. Misbranding of canned tuna fish. U. S. v. 85 Cases * * *. (F. D. C. No. 18076. Sample No. 25474-H.)

LIBEL FILED: November 7, 1945, District of Utah.

ALLEGED SHIPMENT: On or about August 29, 1945, by the Yaquina Bay Fish Co., from Toledo, Oreg.

PRODUCT: 85 cases, each containing 48 cans, of tuna fish at Salt Lake City, Utah. Examination disclosed that the product was short-weight.

LABEL, IN PART: "Washington Brand Fancy White Meat Albacore Tuna Net Wt. 7 Ounces Packed by Yaquina Bay Fish Company Newport, Oregon."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 5, 1946. No claimant having appeared, judgment was entered ordering that the product be delivered to charitable institutions.

10607. Adulteration of frozen hake fillets. U. S. v. 480 Boxes * * * (and 3 other seizure actions). (F. D. C. Nos. 18508 to 18510, incl., 18728, 18729. Sample Nos. 16165-H, 17016-H, 44418-H, 44425-H, 44426-H.)

LIBELS FILED: November 27, 1945, and January 7, 1946, Southern District of California and Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 9, 24, and 29 and September 12, 1945, by the Morris Fisheries, Inc., from Chicago, Ill., to Los Angeles, Calif., and by the Morris Fisheries of Massachusetts, Inc., from Boston, Mass., to Chicago, Ill.

PRODUCT: Frozen hake fillets. 920 10-pound boxes at Los Angeles, Calif., and 1,702 10-pound boxes at Chicago, Ill.

LABEL, IN PART: (Portions) "Hake Fillets * * * Cape Cod Fillet Co. New Bedford, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: December 17, 1945, and March 12 and 13, 1946. The consignee of the Chicago lots having consented to the entry of decrees, and no claimant having appeared for the Los Angeles lots, judgments of condemnation were entered. The Los Angeles lots were ordered delivered to the California Fish and Game Commission, for use as fish food. The Chicago lots were ordered destroyed, which lots were then converted into fertilizer.

10608. Adulteration of frozen hake fillets. U. S. v. 719 Boxes * * *. (F. D. C. No. 18088. Sample Nos. 44403-H to 44406-H, incl.)

LIBEL FILED: November 5, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about September 28, 1945, by the Morris Fisheries, Inc., from Chicago, Ill.

PRODUCT: 719 boxes of frozen hake filets at Los Angeles, Calif.

LABEL, IN PART: (Portion) "Frank Bertolino & Son * * * Gloucester, Mass. PW Hake Fillet," "Cape Cod Fillet Co. New Bedford, Mass. Frosted Hake Fillets," or "Frozen Hake Fillets Packed by Seaview Fish Co. Inc. New Bedford Massachusetts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a State fish and game commission, for use as fish food.

10609. Adulteration of frozen tullibeeks. U. S. v. 26 Boxes * * * (and 7 other seizure actions). (F. D. C. Nos. 19063, 19064, 19070 to 19072, incl., 19083, 19118, 19129. Sample Nos. 15309-H, 19738-H, 19873-H, 19953-H to 19955-H, incl., 19958-H, 19959-H, 19962-H, 19963-H.)

LIBELS FILED: Between February 5 and 13, 1946, District of Minnesota and Eastern District of Wisconsin.

ALLEGED SHIPMENT: Between the approximate dates of October 27, 1945, and January 15, 1946, by the Manitoba Fisheries, Ltd., from Winnipeg, Canada.

PRODUCT: Frozen tullibeeks. 26 boxes, containing a total of 2,839 pounds, 148 boxes, each containing approximately 120 pounds, and 50 boxes, each containing 100 pounds, at Duluth, Minn., and 292 boxes at St. Paul, Minn., and 9 boxes at Pensaukee, Wis., each box containing approximately 120 pounds.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: Between the dates of March 29 and June 24, 1946. The Manitoba Fisheries, Ltd., claimant for 3 of the Duluth lots, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration. No claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered denatured for use as animal feed, or destroyed.

10610. Adulteration of frozen whiting. U. S. v. 1,482 Cartons. (F. D. C. No. 18819. Sample No. 16167-H.)

LIBEL FILED: January 11, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 6, 1945, by the Commonwealth Ice and Cold Storage Co., from Boston, Mass.

PRODUCT: 1,482 cartons, each containing 20 pounds, of frozen whiting at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid substance.

DISPOSITION: May 24, 1946. The Atlantic Fish and Oyster Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation of the fit portion from the unfit, under the supervision of the Federal Security Agency.

10611. Adulteration of salted anchovies. U. S. v. 99 Cases * * *. (F. D. C. No. 17701. Sample No. 29918-H.)

LIBEL FILED: September 28, 1945, District of Hawaii.

ALLEGED SHIPMENT: On or about September 5, 1945, by Ziel & Co., from San Francisco, Calif.

PRODUCT: 99 cases, each containing 24 16-ounce jars, of salted anchovies at Honolulu, T. H.

LABEL, IN PART: "Estancia Brand Anchovy Salt and Fish."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 14, 1946. Rafael Yngojo, San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Federal Security Agency. The product was converted into stock feed.

10612. Adulteration and misbranding of canned minced clams. U. S. v. 1,500 Cases * * * (and 6 other seizure actions). (F. D. C. Nos. 19740, 19849, 19850, 20010 to 20012, incl., 20045, 20327. Sample Nos. 27190-H, 44573-H, 44574-H, 45592-H, 56674-H, 59257-H, 59258-H, 59322-H.)

LIBELS FILED: Between May 2 and June 18, 1946, District of Massachusetts, Western District of Washington, Northern and Southern Districts of California, District of Wyoming, and District of Oregon.

ALLEGED SHIPMENT: Between the approximate dates of February 21 and April 17, 1946, by the Plymouth Packing Co., from Plymouth, Mass.

PRODUCT: Minced clams. 1,500 cases at Plymouth, Mass., 230 cases at Seattle, Wash., 2,000 cases and 133 cases at San Francisco and Los Angeles, Calif., respectively, 215 cases at Cheyenne, Wyo., and 288 cases at Portland, Oreg. Each case contained 48 cans. Examination showed that the drained weight was less than declared on the label. The lot at Plymouth was recalled by the shipper before it had reached the interstate consignee.

LABEL, IN PART: "Point Judith Minced Clams * * * Contents 10½ Oz. Drained Weight 5 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), diluted clam juice had been substituted in part for minced clams.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: Between the dates of September 11 and October 14, 1946. The Plymouth Packing Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Federal Security Agency.

FRUITS AND VEGETABLES*

CANNED FRUIT

10613. Adulteration and misbranding of canned apples. U. S. v. 2,772 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 20097 to 20101, incl., 20827. Sample Nos. 45581-H, 45802-H, 49811-H.)

LIBELS FILED: June 19 and August 29, 1946, Northern District of California and Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about August 29 and 31, 1945, by A. H. Renehan and Son, from Sykesville, Md.

PRODUCT: 2,772 cases at San Francisco, Calif., and 1,687 cases at New Orleans, La. Each case contained 6 6-pound, 8-ounce cans, of apples. Examination showed that the product had undergone chemical decomposition, and that the New Orleans lot also contained added and undeclared sulfur dioxide.

LABEL, IN PART: "Patapsco Brand Apples."

*See also Nos. 10501-10510.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (k), (New Orleans lot) it contained a chemical preservative and failed to bear labeling stating that fact.

DISPOSITION: August 29 and October 25, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10614. Adulteration of canned, diced peaches and pears. U. S. v. 1,496 Cases * * *. (F. D. C. No. 18006. Sample No. 9781-H.)

LIBEL FILED: October 17, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about September 1, 1945, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 1,496 cases, each containing 24 1-pound, 13-ounce cans, of diced peaches and pears at Hornell, N. Y. Examination showed that the product was undergoing active fermentation.

LABEL, IN PART: "Flotill Diced Peaches and Pears."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 19, 1945. Flotill Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law by the segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration.

10615. Adulteration of canned, diced peaches and pears. U. S. v. 410 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 18046, 18110, 18722. Sample Nos. 9791-H, 2490-H, 35130-H.)

LIBELS FILED: Between October 26 and December 20, 1945, Eastern District of Missouri, Southern District of Texas, and Western District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of August 24 and September 1, 1945, by Flotill Products, Inc., from Modesto and Stockton, Calif.

PRODUCT: 410 cases at St. Louis, Mo., 89 cases at Erie, Pa., and 45 cases at Houston, Tex., each case containing 24 1-pound, 13-ounce cans, of diced peaches and pears. Examination showed that the product was undergoing active decomposition.

LABEL, IN PART: "Flotill Diced Peaches and Pears."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: On November 26 and December 28, 1945, the General Grocer Co., claimant for the St. Louis lot, and Flotill Products, Inc., claimant for the Erie lot, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed. On January 28, 1946, no claimant having appeared for the Houston lot, judgment of condemnation was entered and this lot of the product was ordered destroyed.

10616. Misbranding of canned pears. U. S. v. 138 Cases * * *. (F. D. C. No. 17975. Sample No. 1206-H.)

LIBEL FILED: October 18, 1945, Middle District of Georgia.

ALLEGED SHIPMENT: On or about August 13, 1945, by the Havana Canning Co., from Havana, Fla.

PRODUCT: 138 cases, each containing 24 1-pound, 13-ounce cans, of pears at Albany, Ga.

LABEL, IN PART: "Le-Ko Brand Pineapple Pears."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned pears since it failed to meet the test for tenderness prescribed in the standard, more than 20 percent of the units in the container were blemished, all pear units were not untrimmed or so trimmed

as to preserve their normal shape, and the label failed to bear, in such manner and form as specified by the regulations, a statement that the product was substandard.

DISPOSITION: November 15, 1945. The Timberlake Grocery Co., Albany, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

10617. Adulteration of canned prunes. U. S. v. 406 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 17515, 17516, 17519, 19384. Sample Nos. 27895-H, 58202-H, 58203-H, 58219-H, 58253-H.)

LIBELS FILED: March 13, 14, and 28, 1946, District of Montana.

ALLEGED SHIPMENT: Between the approximate dates of February 19 and December 18, 1945, by the Stayton Canning Co., from West Stayton, Oreg.

PRODUCT: Canned prunes. 588 cases at Butte, 31 cases at Missoula, and 83 cases at Havre, Mont. Three of the lots were found to contain prunes damaged with brown rot, and 1 lot contained insect-damaged and decomposed prunes.

LABEL, IN PART: "Springwater Brand Fresh Oregon Prunes * * * Packed by Springbrook Packing Co. Cooperative Springbrook, Oregon," or Santiam Brand * * * Prune Plums [or "Machine Pitted Prunes"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy or decomposed substance.

DISPOSITION: September 27, 1946. No claimant having appeared for any of the lots, judgments of condemnation were entered and the product was ordered delivered to a public institution, for use as hog feed.

10618. Misbranding of canned fruit cocktail. U. S. v. 398 Cases * * *. (F. D. C. No. 18056. Sample No. 250780-H.)

LIBEL FILED: On or about November 6, 1946, District of Montana.

ALLEGED SHIPMENT: On or about October 5, 1945, by the Val Vita Food Co., San Francisco, Calif., and Hunt Foods, Inc., Hayward, Calif.

PRODUCT: 398 cases, each containing 24 cans, of fruit cocktail at Missoula, Mont.

LABEL, IN PART: "Val Vita Brand Fancy Fruit Cocktail In Light Syrup Net Contents 1 Lb. 13 Oz. Packed For Val Vita Food Co. San Francisco, California."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the article purported to be and was represented as canned fruit cocktail, a food for which a standard of fill of container has been prescribed by the regulations, but it fell below such standard since there was not present in the container a fill such that the total weight of drained fruit was not less than 65 percent of the water capacity of the container, the minimum permitted by the standard; and its label failed to bear a statement that it fell below such standard.

DISPOSITION: April 1, 1946. Hunt Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

10619. Misbranding of canned fruit cocktail. U. S. v. 347 Cases * * *. (F. D. C. No. 19007. Sample No. 27876-H.)

LIBEL FILED: January 30, 1946, District of Montana.

ALLEGED SHIPMENT: On or about October 19, 1945, by Hunt Foods, Inc., from Hayward, Calif.

PRODUCT: 347 cases, each containing 24 1-pound, 12 ounce cans, of fruit cocktail at Butte, Mont. Examination showed that the article was not fancy because of the presence of pear core, stems, and some peel, and an excessive percentage by weight of peach and pear units which were off-size and shape. The product failed to meet the standard of quality for canned fruit cocktail, since it contained pear peel in excess of 1 square inch per pound, blemished cherries in excess of 15 percent of the cherry units present, and in some cans over 20 percent by weight of peach and pear units which were off-size or shape.

LABEL, IN PART: "Val Vita Brand Fancy Fruit Cocktail."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy" was false and misleading; and, Section 403 (h) (1), the product fell below the standard of quality for canned fruit cocktail.

DISPOSITION: August 22, 1946. Hunt Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

DRIED FRUIT

10620. Adulteration of dried apricots. U. S. v. Peter F. McKinney (P. F. McKinney). Plea of nolo contendere. Fine, \$250. (F. D. C. No. 17858. Sample Nos. 17716-H, 17719-H.)

INFORMATION FILED: April 6, 1946, Northern District of California, against Peter F. McKinney, trading as P. F. McKinney, San Jose, Calif.

ALLEGED SHIPMENT: On or about March 10, 1945, from the State of California into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of dirt and moldy and decomposed apricots.

DISPOSITION: April 23, 1946. A plea of nolo contendere having been entered, the defendant was fined \$250.

10621. Adulteration of raisins and dried peaches. U. S. v. 44 Cases * * * (and 13 other seizure actions). (F. D. C. Nos. 18503, 19059, 19060, 19112, 19306, 19307, 19350, 19377, 19378, 19440 to 19442, incl., 19625, 19724, 19903. Sample Nos. 1094-H, 1264-H, 19305-H to 19307-H, incl., 20952-H, 21985-H, 35061-H, 35220-H, 50669-H, 50733-H to 50735-H, incl., 50962-H, 56852-H.)

LIBELS FILED: Between the approximate dates of December 8, 1945, and May 15, 1946, District of Kansas, Eastern and Western Districts of Missouri, Southern and Northern Districts of Iowa, Western District of Tennessee, and Northern District of Georgia.

ALLEGED SHIPMENT: Between the approximate dates of August 28, 1944, and February 28, 1946, by the Vagim Packing Co., Fresno, Calif.

PRODUCT: Raisins. 44 cases, each containing 16 2-pound bags, at Lebanon, Mo.; 50 cases, each containing 16 2-pound bags, and 33 cartons, each containing 48 15-ounce packages, at Marshalltown, Iowa; 77 cases, each containing 25 pounds, at Sheldon, Iowa; 20 cases, each containing 30 pounds, 300 cases, each containing 25 pounds, and 770 cases, each containing 16 2-pound bags, at Mason City, Iowa; 450 cartons, each containing 48 15-ounce cartons, at St. Louis, Mo.; 250 cases, each containing 60 2-pound packages, at Des Moines, Iowa; 1,475 cases, each containing 48 15-ounce packages, at East Hartford, Conn.; 447 cases, each containing 48 15-ounce packages, at St. Paul, Minn.; and 164 cases, each containing 25 pounds, at Manhattan, Kans.
Dried peaches. 450 30-pound cases at Memphis, Tenn.; and 225 30-pound cases and 747 25-pound cases at Atlanta, Ga.

LABEL, IN PART: "May Flower Brand Special [or "Plump and Meaty Choice," or "Fan-Fare Brand"] Thompson Seedless Raisins," or "Plump and Meaty [or "Sail-Maker"] Brand * * * Yellow Peaches."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy and decomposed substances by reason of the presence (in the raisins) of insect parts and dirty raisins and (in the peaches) moldy and decomposed peaches.

DISPOSITION: Between January 4 and July 26, 1946. The Vagim Packing Co. appeared as claimant for the St. Louis, Memphis, East Hartford, St. Paul, and Atlanta lots, and the Western Grocer Co., Marshalltown, Iowa, appeared as claimant for the remaining lots, with the exception of that at Lebanon. The claimants having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond to be converted into distilled spirits, under the supervision of the Food and Drug Administration. No claimant having appeared for the Lebanon lot, judgment of condemnation was entered and the product was ordered delivered to a welfare institution, to be used for hog feed.

10622. Adulteration of raisins. U. S. v. 288 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 17884, 19923. Sample Nos. 9455-H, 46515-H.)

LIBELS FILED: October 8, 1945, and May 17, 1946, Western District of New York and District of Puerto Rico.

ALLEGED SHIPMENT: On or about June 26, 1945, and March 15, 1946, by Rosenberg Brothers and Co., from Modesto, Calif.

PRODUCT: Raisins. 288 30-pound boxes at Rochester, N. Y., and 497 30-pound cartons at Ponce, Puerto Rico.

LABEL, IN PART: "Ensign Brand Extra Fancy Golden Bleached Raisins," or "Ungraded Loose Muscat Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of (Ponce lot) moldy raisins and (Rochester lot) larvae, cocoons, and moths.

DISPOSITION: November 23, 1945, and August 9, 1946. No claimant having appeared for the Rochester lot, and Monllor and Boscio, Inc., Ponce, Puerto Rico, having appeared as claimant for the Ponce lot, judgments of condemnation were entered. The Rochester lot was ordered destroyed, and the Ponce lot was ordered released under bond, conditioned that it be used in the manufacture of alcohol or brandy, under the supervision of the Federal Security Agency.

10623. Adulteration of raisins. U. S. v. 150 Cartons * * *. (F. D. C. No. 18077. Sample No. 14434-H.)

LIBEL FILED: November 8, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 20 and December 31, 1943, by the H. J. Heinz Co., from Pittsburgh, Pa.

PRODUCT: 150 cartons, each containing 25 or 30 pounds, of raisins at Akron, Ohio.

LABEL, IN PART: "Sun-Maid * * * Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested raisins.

DISPOSITION: December 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRESH AND FROZEN FRUIT

10624. Adulteration of apples. U. S. v. 375 Bushels and 150 Bushels * * *. (F. D. C. Nos. 18437, 18439. Sample Nos. 21929-H, 21933-H.)

LIBELS FILED: October 31 and November 2, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about October 12 and 20, 1945, by the Illinois Fruit Growers Exchange, from Pocahontas and Carbondale, Ill.

PRODUCT: 520 bushels of apples at Memphis, Tenn. These apples bore spray residue containing excessive lead.

LABEL, IN PART: "Golden Delicious * * * Grown and Packed By Doll Orchards, Pocahontas, Ill.," or "Rome Beauty * * * Packed for O. V. Cummins & Sons, Dix, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: November 5, 1945. The Illinois Fruit Growers Exchange having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The attempt to remove the lead from 150 bushels of the apples by cleaning having been unsuccessful, the decree was amended to provide for elimination of the contaminant by peeling of the apples.

10625. Adulteration of blueberries. U. S. v. 5 Crates and 25 Flats * * *. (F. D. C. No. 18278. Sample No. 7464-H.)

LIBEL FILED: On or about August 21, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 22, 1945, by T. Puleo, J. Franchetti, and R. Ford, from Hammonton, N. J.

PRODUCT: Blueberries. 4 crates, each containing 24 quarts, 1 crate, containing 21 quarts, and 25 flats, each containing 12 pints, at Brooklyn, N. Y. Examination of the product showed that it was infested with maggots.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

DISPOSITION: September 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10626. Adulteration and misbranding of frozen peaches. U. S. v. 1,891 Cans * * * (and 2 other seizure actions). (F. D. C. Nos. 18096, 18097, 18742. Sample Nos. 22790-H, 22791-H, 23471-H, 23472-H, 23500-H.)

LIBELS FILED: November 6 and December 21, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 6, 9, and 25, 1945, by the Tennessee Cold Storage and Warehouse Co., from Memphis, Tenn.

PRODUCT: 4,231 cans of frozen peaches at St. Louis, Mo. Examination showed that all lots of the product were fermenting, and that portions contained worms and insects. One lot was also short-weight.

LABEL, IN PART: "Frozen Elberta Peaches Syrup Pack Net wgt. 32 lbs. Hosier & Co. Forrest City, Ark."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), all lots of the product consisted in whole or in part of a decomposed substance, and portions consisted in whole or in part of a filthy substance.

Misbranding, Section 403 (e) (2), one lot of the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 18 and May 20, 1946. Lloyd A. Lamos, Grand Rapids, Mich., having appeared as claimant for a portion of the product, but having subsequently announced that he would not contest the action, and no claimant having appeared for the remainder of the product, judgments of condemnation were entered and the product was ordered sold, conditioned upon the adoption of such safeguards against its use for human consumption as may be directed by the Federal Security Agency.

MISCELLANEOUS FRUIT AND FRUIT PRODUCTS

10627. Adulteration and misbranding of raspberry preserves. U. S. v. Rosen Products, Inc., and Wolf Skolnick and Sam Skolnick. Pleas of guilty. Corporate defendant and each individual defendant fined \$200. (F. D. C. No. 16559. Sample No. 81831-F.)

INFORMATION FILED: November 13, 1945, Eastern District of New York, against Rosen Products, Inc., Brooklyn, N. Y., and Wolf Skolnick, president, and Sam Skolnick, manager.

ALLEGED SHIPMENT: On or about May 24, 1944, from the State of New York into the State of Connecticut.

LABEL, IN PART: "Fruitcrest Pure Raspberry Preserve Packed For Fruitcrest Co. Brooklyn, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, red raspberries, had been in whole or in part omitted; Section 402 (b) (2), a mixture consisting of black raspberry pomace, a saccharine ingredient, and red raspberries, or red raspberry pomace, had been substituted for red raspberry preserves; Section 402 (b) (3), inferiority had been concealed by the addition of black raspberry pomace; and, Section 402 (b) (4), black raspberry pomace had been added to the article and mixed and packed with it so as to make it appear to be red raspberry preserves.

Misbranding, Section 403 (g) (1), the article purported to be and was represented as raspberry (red raspberry) preserves and failed to conform to the definition and standard of identity for red raspberry preserves, since it was made from a mixture composed of less than 45 parts by weight of red raspberries to each 55 parts by weight of an optional saccharine ingredient, as required by the standard, and it contained black raspberry pomace, which is not permitted as an optional ingredient in red raspberry preserves.

DISPOSITION: June 19, 1946. Pleas of guilty having been entered on behalf of the 3 defendants, the court imposed a fine of \$200 against each defendant, a total fine of \$600.

10628. Adulteration of apple pomace. U. S. v. 350 Bags * * *. (F. D. C. No. 18079. Sample No. 17253-H.)

LIBEL FILED: November 6, 1945, Western District of Michigan.

ALLEGED SHIPMENT: On or about May 2, 1944, from Aptos, Calif.

PRODUCT: 350 70-pound bags of dried apple pomace at Lawton, Mich., in possession of the Central States Produce Corporation. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets were observed on them. Examination showed that the product contained insect fragments, rodent excreta, and rodent hair fragments.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10629. Adulteration of apricot puree. U. S. v. 77 Barrels * * *. (F. D. C. No. 18069. Sample No. 25024-H.)

LIBEL FILED: October 31, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about August 13, 1945, by Midfield Packers, from Tacoma, Wash.

PRODUCT: 77 400-pound barrels of apricot puree at New Orleans, La. Examination showed that the product was undergoing active fermentation.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: December 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10630. Adulteration of strawberry puree. U. S. v. 295 Cans * * * (and 1 other seizure action). (F. D. C. Nos. 20416, 20598. Sample Nos. 9700-H, 9701-H, 60410-H, 60411-H, 60416-H, 60417-H.)

LIBELS FILED: July 22 and July 29, 1946, Western District of New York. The libel of July 22, 1946, was amended August 12, 1946.

ALLEGED SHIPMENT: Between the approximate dates of June 17 and June 29, 1946, by Todkill and Chapman, from North East, Pa.

PRODUCT: 1,174 30-pound cans of strawberry puree at Buffalo, N. Y.

LABEL, IN PART: "Fairmont's Strawberry Puree 4 plus 1."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberry material.

DISPOSITION: September 24, 1946. Todkill and Chapman having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be disposed of only for a nonfood use, under the supervision of the Food and Drug Administration.

10631. Adulteration of citrus peel. U. S. v. 10 Barrels * * *. (F. D. C. No. 17992. Sample No. 14431-H.)

LIBEL FILED: October 17, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 13, 1945, by the Bear-Stewart Co., from Chicago, Ill.

PRODUCT: 10 barrels, each containing approximately 550 pounds, of citrus peel at Cleveland, Ohio.

LABEL, IN PART: "Rex-Mixed Fruit Cake Peel."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of fermented citrus peel.

DISPOSITION: November 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10632. Adulteration of olives. U. S. v. 21 Barrels * * *. (F. D. C. No. 16961. Sample No. 29643-H.)

LIBEL FILED: On or about August 4, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 22, 1945, by the Copa Sales Co., from Fresno, Calif.

PRODUCT: 21 100-pound barrels of olives at Cleveland, Ohio. Examination showed the presence of moldy olives.

LABEL, IN PART: "Stoma Reg. Brand Olives Oil Coated Greek Style."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 21, 1946. The Copa Sales Co., shipper of the olives, and the Liberty Cash and Carry Co., Cleveland, Ohio, consignee, having appeared as claimants and having filed answers denying the adulteration of the product, but having failed to pursue the matter further, and the court having found the product to be adulterated, judgment of condemnation was entered and the olives were ordered destroyed.

VEGETABLES AND VEGETABLE PRODUCTS

10633. Adulteration of frozen asparagus. U. S. v. 555 Cases * * *. (F. D. C. No. 18155. Sample No. 32265-H.)

LIBEL FILED: October 16, 1945, District of Arizona.

ALLEGED SHIPMENT: On or about September 6, 1945, by Port of Olympia, from Olympia, Wash.

PRODUCT: 555 cases, each containing 12 2-pound cartons, of frozen asparagus at Phoenix, Ariz.

LABEL, IN PART: "Moonwinks Brand Asparagus Cuts and Tips Packed by Midfield Packers Olympia, Wash."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: December 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10634. Misbranding of canned corn. U. S. v. Blair Packing Corporation and Wallace W. Evans. Pleas of nolo contendere. Fines of \$1,000 against the corporate defendant and \$500 against the individual defendant. (F. D. C. No. 17869. Sample No. 28009-H.)

INFORMATION FILED: June 17, 1946, Western District of Wisconsin, against the Blair Packing Corporation, Blair, Wis., and Wallace W. Evans, vice president and general manager.

ALLEGED SHIPMENT: On or about January 10, 1945, from the State of Wisconsin into the State of Washington.

LABEL, IN PART: "Stand By Fancy Whole Kernel Golden Sweet Corn * * * Packed For Fine Foods, Inc., Seattle, Washington, Minneapolis, Minnesota."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy Whole Kernel Golden Sweet Corn" was false and misleading. The statement represented and suggested that the article consisted of whole kernel golden corn of the quality known to the trade and consuming public as "Fancy," whereas the article did not consist of "Fancy" whole kernel golden corn.

DISPOSITION: October 15, 1946. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed fines of \$1,000 against the corporate defendant and \$500 against the individual defendant.

10635. Adulteration of canned peas. U. S. v. 348 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 18519, 19454, 19455, 20407. Sample Nos. 1630-H, 5045-H to 5047-H., incl., 18786-H, 23697-H.)

LIBELS FILED: December 1, 1945, and March 22 and 28 and July 18, 1946, Western District of Louisiana, District of Minnesota, and Eastern Districts of Pennsylvania and South Carolina. The South Carolina libel was subsequently amended to charge the seizure of an additional amount.

ALLEGED SHIPMENT: Between the approximate dates of September 4, 1945, and January 28, 1946, by the Antigo Canning Factory, from Antigo, Wis.

PRODUCT: Canned peas. 54 cases at Shreveport, La., 348 cases at Winona, Minn., 1,551 cases at Philadelphia, Pa., and 661 cases at Charleston, S. C. Each case contained 24 cans of peas. Examination showed that one lot was sour and decomposed and that the other lots were undergoing decomposition.

LABEL, IN PART: (Portions) "Vita-Pak Brand Sweet Peas," "Ken-Dawn Sweet Peas," or "Pantry Pride Sweet [or "Jumbo Sweet," or "Tiny Early"] Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: May 14 and 28, June 4, and November 5, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10636. Adulteration of canned peas. U. S. v. 298 Cases of Cream Peas (and 11 other seizure actions against black-eyed peas and purple hull peas). (F. D. C. Nos. 18124, 18125, 18498, 18533 to 18537, incl., 18734 to 18737, incl. Sample Nos. 23617-H, 23618-H, 25025-H to 25028-H, incl., 25030-H to 25034-H, incl., 25206-H.)

LIBELS FILED: Between November 16 and December 28, 1945, Eastern and Western Districts of Louisiana.

ALLEGED SHIPMENT: Between the approximate dates of July 6 and October 2, 1945, by the Mallory Canning Co., Grapeland, Tex.

PRODUCT: 298 cases of cream peas, 1,799 cases of black-eyed peas, and 966 cases of purple hull peas, in various lots, at West Monroe, Haynesville, Shreveport, Mansfield, Hodge, De Ridder, Lake Charles, Church Point, and Clinton, La.

LABEL, IN PART: "Grapeland Fresh Green Shelled Purple Hull [or "Fresh Shelled Cream," or "Fresh Green Shelled Black-Eyed"] Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances.

DISPOSITION: On April 1, 1946, no claimant having appeared for the Clinton, La., lot, judgment of condemnation was entered and the product was ordered destroyed. On February 4, 9, and 18, 1946, the Mallory Canning Co. having appeared as claimant for the remaining lots, judgments of condemnation were entered and the products were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. On May 18 and 27, 1946, amended decrees were entered ordering the latter lots destroyed.

Nos. 10637 to 10646 report actions involving canned peas that purported to be a food for which a standard of quality has been prescribed by law, but the quality was charged to fall below the standard because of higher alcohol-insoluble solids than the maximum permitted by the standard, and the labels failed to bear, in the manner and form that the regulations specify, a statement that the product was below the standard.

10637. Misbranding of canned peas. U. S. v. 1,022 and 1,677 Cases * * *. (F. D. C. Nos. 18483, 18808. Sample Nos. 3676-H, 24876-H.)

LIBELS FILED: November 30, 1945, and January 7, 1946, Southern District of Texas and Western District of Virginia.

ALLEGED SHIPMENT: On or about August 22 and 24, 1945, by the Columbia Canning Co., from Cambria, Wis.

PRODUCT: Canned peas. 1,022 cases at Houston, Tex., and 1,677 cases at Lynchburg, Va. Each case contained 24 1-pound, 4-ounce cans.

LABEL, IN PART: "Columbia Canning Co. U. S. A. Early June Peas," or "Medium Size Early Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality.

DISPOSITION: January 28 and June 3, 1946. The Schuhmacher Co., Houston, Tex., claimant for the Houston lot, and the Columbia Canning Co., claimant for the Lynchburg lot, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

10638. Misbranding of canned peas. U. S. v. 1,748 Cases * * *. (F. D. C. No. 18037. Sample No. 14424-H.)

LIBEL FILED: October 24, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 23, 1945, by the Chippewa Canneries, from Stanley, Wis.

PRODUCT: 1,748 cases, each containing 24 1-pound, 4-ounce cans, of peas at Cleveland, Ohio.

LABEL, IN PART: "Big Value Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard in quality.

DISPOSITION: December 6, 1945. The Chippewa Canneries, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

10639. Misbranding of canned peas. U. S. v. 1,747 Cases * * *. (F. D. C. No. 18045. Sample No. 16784.)

LIBEL FILED: November 2, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 1, 1945, by the Riverview Canning Co., from Markesan, Wis.

PRODUCT: 1,747 cases, each containing 24 20-ounce cans, of peas at Chicago, Ill.

LABEL, IN PART: "Atlantic Early June Peas Standard Quality Large Size."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was sub-standard in quality.

DISPOSITION: December 5, 1945. The Riverview Canning Co., claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

10640. Misbranding of canned peas. U. S. v. 611 and 260 Cases * * *. (F. D. C. Nos. 18622, 19162. Sample Nos. 14345-H, 14574-H.)

LIBELS FILED: December 3, 1945, and February 5, 1946, Eastern and Western Districts of Kentucky.

ALLEGED SHIPMENT: On or about August 24 and 27, 1945, by the Columbus Foods Corporation, from Shelbyville, Ind.

PRODUCT: Canned peas. 611 cases at Lexington, Ky., and 260 cases at Glasgow, Ky. Each case contained 24 1-pound, 4-ounce cans.

LABEL, IN PART: "Starbeam [or "Lake Leota"] Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: February 19 and March 13, 1946. Stokely-Van Camp, Inc., claimant for the Lexington lot, and the Columbus Foods Corporation, claimant for the Glasgow lot, having admitted the allegations of the respective libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

10641. Adulteration of canned peas. U. S. v. 465 Cases * * *. (F. D. C. No. 18121. Sample No. 25163-H.)

LIBEL FILED: November 9, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about August 6, 1945, by the Calumet-Dutch Packing Co., from Brillion, Wis.

PRODUCT: 465 cases, each containing 24 cans, of peas at New Orleans, La.

LABEL, IN PART: (Can) "Cedar Grove Brand Wisconsin Early June Peas Contents 1 lb 4 oz."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: January 12, 1946. The Calumet-Dutch Packing Co., Sheboygan, Wis., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

10642. Misbranding of canned peas. U. S. v. 46 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 18030, 18274, 18668. Sample Nos. 19917-H, 21390-H, 21527-H.)

LIBELS FILED: Between October 23 and December 19, 1945, Districts of South Dakota and Nebraska.

ALLEGED SHIPMENT: Between the approximate dates of August 6 and 20, 1945, by the Iowa Canning Co., from Vinton, Iowa.

PRODUCT: 46 cases at Mitchell, S. Dak., 134 cases at Omaha, Nebr., and 256 cases at Lincoln, Nebr., each case containing 24 1-pound, 4-ounce cans, of peas.

LABEL, IN PART: "Quick Meal Brand * * * Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard.

DISPOSITION: Between January 16 and February 15, 1946. The Iowa Canning Co., claimant for the Nebraska lots, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. No claimant having appeared for the South Dakota lot, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

10643. Misbranding of canned peas. U. S. v. 88 Cases * * *. (F. D. C. No. 18215. Sample No. 43230-H.)

LIBEL FILED: October 29, 1945, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about September 3, 1945, by the C. D. Kenny Division, Sprague Warner-Kenny Corporation, from Baltimore, Md.

PRODUCT: Libel filed against 88 cases, each containing 24 1-pound, 4-ounce cans, of peas at Winston-Salem, N. C. 543 cases were seized.

LABEL, IN PART: "White City Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: On November 15, 1945, the Stoughton Canning Company, claimant, having consented to the entry of a decree, judgment was entered condemning the 88 cases and ordering that they be released under bond for relabeling under supervision of the Food and Drug Administration. On December 26, 1945, an amended decree was entered covering the entire 543 cases that had been seized and ordering the entire lot condemned and released under the conditions set out in the original decree.

10644. Misbranding of canned peas. U. S. v. 456 and 384 Cases * * *. (F. D. C. Nos. 18477, 19268. Sample Nos. 25642-H, 30308-H, 30427-H.)

LIBELS FILED: November 26, 1945, and February 21, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about September 1 and 13, 1945, by the Rocky Mountain Packing Corporation, from Manti and Salt Lake City, Utah.

PRODUCT: Canned peas. 456 cases at Denver, Colo., and 384 cases at Colorado Springs, Colo. Each case contained 6 6-pound, 9-ounce cans. Samples of the product were found to be substandard in quality because of failure to meet the test for tenderness. In addition, the peas in the Denver lot were a sweet wrinkled variety, and the alcohol-insoluble solids were more than 21 percent.

LABEL, IN PART: "U-Tah-Na Brand Sugar Peas," or "Ogden Valley Brand * * * Sugar Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard in quality.

DISPOSITION: February 1 and March 18, 1946. The Rocky Mountain Packing Corporation having appeared as claimant in both actions, and having admitted the allegations of the libel with respect to the Colorado Springs lot, judgment was entered ordering that the product be released under bond for relabeling under the supervision of the Food and Drug Administration. The claimant having admitted also that a portion of the Denver lot was substandard, the court made its finding that the product in one code was not misbranded and ordered that code released. The remainder of the Denver lot was condemned and ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

10645. Misbranding of canned peas. U. S. v. 367 Cases * * *. (F. D. C. No. 18055. Sample No. 32485-H.)

LIBEL FILED: November 1, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about August 20, 1945, by the Woods Cross Canning Co., from Clearfield, Utah.

PRODUCT: 367 cases, each containing 24 1-pound, 4-ounce cans, of peas at Los Angeles, Calif.

LABEL, IN PART: "Clearfield Brand Sweet Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), in addition to the high alcohol-insoluble solids content, these peas were below standard because of the high percentage of peas that were not tender.

DISPOSITION: November 23, 1945. The Woods Cross Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

10646. Misbranding of canned peas. U. S. v. 1,347 Cases * * *. (F. D. C. No. 18209. Sample No. 10564-H.)

LIBEL FILED: October 26, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 17, 1945, by the Durand Canning Co., from Durand, Wis.

PRODUCT: 1,347 cases, each containing 24 cans, of peas at Pittsburgh, Pa. The product was shipped unlabeled and invoiced as "Std. #4 Alaska Peas."

NATURE OF CHARGE: Misbranding Section 403 (h) (1), the product was below standard in quality because of high alcohol-insoluble solids; Section 403 (g) (2), it failed to bear a label stating the name of the food specified in the definition and standard of identity for canned peas; Section 403 (e) (1), it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: November 9, 1945. Francis H. Leggett and Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

10647. Adulteration of turnip greens and mustard greens. U. S. v. 498 Cases of Turnip Greens (and 3 other seizure actions against turnip greens and mustard greens). (F. D. C. Nos. 18370-A, 18371-A, 18556, 18557. Sample Nos. 21095-H, 21096-H, 21377-H, 21378-H.)

LIBELS FILED: On or about November 26 and December 4, 19, and 27, 1945, District of Kansas and Western District of Missouri.

ALLEGED SHIPMENT: On or about September 14, 1945, by the Denton Canning Co., from McAllen, Tex.

PRODUCT: 498 cases of turnip greens and 49 cases of mustard greens at Wichita, Kans., and 494 cases of turnip greens and 397 cases of mustard greens at Kansas City, Mo. Each case contained 24 1-pound, 2-ounce cans.

LABEL, IN PART: "Denton Turnip [or "Mustard"] Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy and decomposed substances by reason of the presence of larvae and insect fragments and decomposed turnip and mustard greens.

DISPOSITION: January 11 and 23 and February 14 and 26, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

10648. Adulteration and misbranding of sauerkraut. U. S. v. 684 Cases * * *. (F. D. C. No. 12632. Sample No. 76219-F.)

LIBEL FILED: June 13, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about May 5 and 10, 1944, by the Golden Pickle Works, Inc., from Brooklyn, N. Y.

PRODUCT: 684 cases, each containing 12 1-quart jars, of sauerkraut at Perth Amboy, N. J.

LABEL, IN PART: "Golden's Fancy Sauerkraut."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water and vinegar had been substituted in part for sauerkraut, which the article was represented to be.

Misbranding, Section 403 (a), the label statement "Fancy Sauerkraut * * * Contains Cabbage, Salt, $\frac{1}{10}$ of 1% Benzoate of Soda and $\frac{1}{10}$ of 1% Sulfur Dioxide" was false and misleading, since water and vinegar were also present, since little or no lactic acid was present, which is characteristic of properly prepared sauerkraut, and since it contained less than $\frac{1}{10}$ of 1 percent sulfur dioxide; and, Section 403 (d), the container of the article was so filled as to be misleading, since the jars were large enough to hold at least 50 percent more sauerkraut.

DISPOSITION: On December 4, 1944, the Golden Pickle Works, Inc., claimant, filed an answer denying that the product was adulterated and misbranded as alleged, to which answer were attached 14 interrogatories. The Government filed a motion to strike the interrogatories on the ground that they were objectionable in that they constituted an attempt to obtain disclosure of the manner in which the Government's case was to be established and the evidence upon which it intended to rely. On September 27, 1945, the Government's motion was argued to the court, and the interrogatories were ordered stricken from the answer. On January 10, 1947, on motion of the claimant, the court dismissed the claimant's exceptions and answer, and after hearing the evidence on behalf of the Government, the court found for the Government. Judgment of condemnation was entered, and the products was ordered destroyed.

10649. Adulteration and misbranding of sauerkraut. U. S. v. 266 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 17530, 19582, 19658, 20053, 20065. Sample Nos. 58223-H, 58272-H, 58280-H, 59020-H, 59026-H.)

LIBELS FILED: Between the approximate dates of February 25 and June 7, 1946, District of Montana.

ALLEGED SHIPMENT: On or about December 27, 1945, and January 4 and 5, 1946, by the Oelerich and Berry Co., from Chicago, Ill.

PRODUCT: Sauerkraut. 414 cases at Butte, 103 Cases at Bozeman, 214 cases at Missoula, and 44 cases at Livingston, Mont. Each case contained 12 jars.

Examination showed that the article was short-volume and that, because of the tendency of kraut to disperse in the packing medium, the jars appeared to contain more kraut than was actually the case.

LABEL, IN PART: (Jar) "Chipico Home Style Sauer Kraut Contents 1 Quart Chicago Pickle Co., Inc., Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for sauerkraut.

Misbranding, Section 403 (d), the container of the article was so filled as to be misleading; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: On August 20 and 21, 1946, the Chicago Pickle Co., Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be repacked in compliance with the law, under the supervision of the Food and Drug Administration. On April 22, 1947, the claimant having failed to comply with the conditions of the decree, the court ordered the product delivered to a public hospital.

10650. Adulteration of ToasTillas (corn product). U. S. v. Sarah E. Wright and Ollie A. Winters (Toastilla Co.) Plea of nolo contendere. Each defendant fined \$100. (F. D. C. No. 16509. Sample Nos. 316-H, 912-H, 917-H.)

INFORMATION FILED: October 10, 1945, Middle District of Georgia, against Sarah E. Wright and Ollie A. Winters, trading as the Toastilla Co., Columbus, Ga.

ALLEGED SHIPMENT: Between the approximate dates of February 2 and 14, 1945, from the State of Georgia into the State of Florida.

LABEL, IN PART: "ToasTillas Ingredients: While Grain Corn Cooked in Vegetable Oil Salt Added."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect frag-

ments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 4, 1946. Pleas of nolo contendere having been entered, each defendant was fined \$100.

TOMATOES AND TOMATO PRODUCTS

10651. Adulteration of canned tomatoes. U. S. v. 1,289 Cases * * *. (F. D. C. No. 18068. Sample No. 24682-H.)

LIBEL FILED: October 31, 1945, Middle District of Alabama.

ALLEGED SHIPMENT: On or about September 11, 1945, by Phillips Brothers, from Salisbury, Md.

PRODUCT: 1,289 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Montgomery, Ala.

LABEL, IN PART: "Willow Brook Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 15, 1945. The Schloss & Kahn Grocery Co., Montgomery, Ala., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be separated from the fit portion and that both be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

10652. Adulteration and misbranding of canned tomatoes. U. S. v. 512 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 18523, 18524. Sample Nos. 35134-H, 35139-H.)

LIBELS FILED: December 4 and on or about December 12, 1945, Eastern and Western Districts of Missouri.

ALLEGED SHIPMENT: On or about September 29 and October 3, 1945, by the Kuhn Canning Co., from Bonner Springs, Kans.

PRODUCT: 512 cases and 547 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Kirksville and Sedalia, Mo., respectively.

LABEL, IN PART: "Mayflower Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing added water had been substituted in whole or in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for canned tomatoes since it contained added water, which is not a permitted ingredient in the definition and standard.

DISPOSITION: February 28, 1946. The Kuhn Canning Co. having appeared as claimant, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

10653. Adulteration of tomato catsup. U. S. v. 119 Cases * * *. (F. D. C. No. 18127. Sample No. 14043-H.)

LIBEL FILED: November 15, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 28, 1945, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: 119 cases, each containing 24 14-ounce bottles, of tomato catsup at Lima, Ohio.

LABEL, IN PART: "Jackson Brand Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 22, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10654. Adulteration of tomato juice. U. S. v. 498 Cases * * *. (F. D. C. No. 18089. Sample No. 14041-H.)

LIBEL FILED: November 6, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 20, 1945, by the Salamonie Packing Co., from Warrant, Ind.

PRODUCT: 498 cases, each containing 6 3-quart cans, of tomato juice.

LABEL, IN PART: "Leadway Tomato Juice * * * Packed for Leadway Foods Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: December 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10655. Adulteration of tomato juice. U. S. v. 298 Cases * * *. (F. D. C. No. 17155. Sample No. 29889-H.)

LIBEL FILED: August 21, 1946, Territory of Hawaii.

ALLEGED SHIPMENT: On or about August 1, 1945, by the United Grocers, Ltd., from San Francisco, Calif.

PRODUCT: 298 cases, each containing 24 1-pint, 2-fluid-ounce cans, of tomato juice at Kahului, T. H.

LABEL, IN PART: "Hearts Delight Juice Drinks Fancy Tomato Juice * * * Packed by Richmond Chase Company, San Jose, Cal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10656. Adulteration of tomato juice. U. S. v. 272 Cases * * *. (F. D. C. No. 17978. Sample No. 23514-H.)

LIBEL FILED: October 18, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 20, 1945, by the Huntsville Canning Co., from Springdale, Ark.

PRODUCT: 272 cases, each containing 24 1-pint, 2-fluid-ounce cans, of tomato juice at St. Louis, Mo.

LABEL, IN PART: "Red And Ripe Brand Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10657. Adulteration of tomato juice. U. S. v. 98 Cases * * *. (F. D. C. Nos. 18104, 18108. Sample Nos. 39411-H, 39413-H.)

LIBELS FILED: November 20, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 24 and October 3, 1945, by the R. H. Denbo Canning Co., from Roanoke, Ind.

PRODUCT: 98 cases, each containing 12 46-ounce cans, of tomato juice at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 4, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a public institution, for use as animal feed.

10658. Adulteration of tomato paste. U. S. v. 63 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 17513, 17540, 18894, 19049, 19211. Sample Nos. 8807-H, 25658-H, 25898-H, 47313-H, 47703-H.)

LIBELS FILED: January 31 and February 12, 14, 21, and 27, 1946, District of Colorado and Eastern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of November 10 and 19, 1945, by Flotill Products, Inc., from Stockton and Modesto, Calif.

PRODUCT: Tomato paste. 358 cases at Denver and 205 cases at Trinidad, Colo., each case containing 96 6-ounce cans, and 674 cases, each containing 6 6-pound, 15-ounce cans, at Brooklyn, N. Y.

LABEL, IN PART: "Flotill Pure Tomato Paste," or "Flotta Brand Tomato Paste."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material, and a portion of the article consisted also in whole or in part of a filthy substance by reason of the presence of insect fragments.

DISPOSITION: June 27 and July 15, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10659. Adulteration of tomato paste and tomato puree. U. S. v. 655 Cases of Tomato Paste (and 3 other seizure actions against tomato paste and tomato puree). (F. D. C. Nos. 18744, 18777, 18858 to 18860, incl., 18990. Sample Nos. 8155-H, 21395-H, 35025-H, 35902-H, 35906-H, 35907-H.)

LIBELS FILED: On or about January 4, 5, 22, and 29, 1946, Western District of Missouri, Eastern District of Arkansas, and District of Connecticut.

ALLEGED SHIPMENT: On or about October 29 and November 6, 1945, by the Manteca Canning Co., from Manteca, Calif.

PRODUCT: 996 cases at Kansas City, Mo., and 336 cases at Little Rock, Ark., each case containing 96 cans of tomato paste; and 245 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Stamford, Conn.

LABEL, IN PART: "Mattina Brand Tomato Paste," or "Puretest Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances by reason of the presence of decomposed tomato material.

DISPOSITION: January 23 and March 15 and 21, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

On March 26, 1946, an amended decree was entered in the Connecticut case, providing for the delivery of the products to a Federal institution, for use as hog feed.

10660. Adulteration of tomato puree. U. S. v. 725 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 19590, 19591, 19616, 19626, 19627. Sample Nos. 13343-H, 34930-H, 39439-H, 52647-H to 52650-H, incl.)

LIBELS FILED: Between April 11 and 25, 1946, Northern, Eastern, and Southern Districts of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of February 20 and March 7, 1946, by the Bertman Pickle Co., from Cleveland, Ohio.

PRODUCT: 725 cases at Danville, Ill., 148 cases at Jacksonville, Ill., 44 cases at Paris, Ill., and 415 cases at Chicago, Ill., each case containing 6 6-pound, 8-ounce cans, of tomato puree.

LABEL, IN PART: "Tomato Puree Distributed By Walter English Columbus, Ohio [or "Packed by Lutz Canning Co. Defiance, Ohio," or "Packed by Pleasant Hill Canning Co. Pleasant Hill, Ohio"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 17 and 20 and July 26, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10661. Adulteration of tomato puree. U. S. v. 405 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 18765, 18781, 19331. Sample Nos. 13782-H, 13790-H, 14453-H, 15010-H.)

LIBELS FILED: January 2 and March 22, 1946, Northern District of Illinois and Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 20, 22, and 23, 1945, by the Gaston Canning Co., from Gaston, Ind.

PRODUCT: 405 cases, each containing 24 1-pound, 4-ounce cans, and 357 cases, each containing 24 1-pound, 3-ounce cans, of tomato puree at Cleveland, Ohio; and 260 cases, each containing 24 1-pound, 3-ounce cans, of tomato puree at Chicago, Ill.

LABEL, IN PART: "Gaston Brand Tomato Puree Fancy Heavy [or "Fancy Heavy Tomato Puree"]," or "Weideman Boy Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: August 21 and September 30, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. The Chicago lot was ordered delivered to a public institution, for use as animal feed.

10662. Adulteration of tomato puree. U. S. v. 118 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 18373-A, 18783, 18823. Sample Nos. 14317-H, 14319-H, 14343-H, 14590-H.)

LIBELS FILED: November 19, 1945, and January 2 and 7, 1946, Western District of Kentucky.

ALLEGED SHIPMENT: Between the approximate dates of September 17 and October 12, 1945, by the Kenneth N. Rider Co., Inc., from Trafalgar, Ind.

PRODUCT: Tomato puree. 531 cases at Louisville and 80 cases at Bowling Green, Ky. Each case in a portion of the product contained 6 6-pound, 8-ounce cans, and each case in the remainder contained 48 10½-ounce cans. The product contained decomposed tomato material.

LABEL, IN PART: "Red Gold [or "Trafalgar"] Brand Indiana Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 4, May 15, and June 3, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions, to be utilized as animal feed.

10663. Adulteration of tomato puree. U. S. v. 297 Cases * * *. (F. D. C. No. 18167. Sample No. 3523-H.)

LIBEL FILED: October 17, 1945, Middle District of Georgia.

ALLEGED SHIPMENT: On or about October 1, 1945, by D. E. Foote & Co., Inc., from Baltimore, Md.

PRODUCT: 297 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Macon, Ga.

LABEL, IN PART: "Family Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 14, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10664. Adulteration of canned tomato sauce. U. S. v. 994 Cases * * *. (F. D. C. No. 19297. Sample No. 37434-H.)

LIBEL FILED: March 8, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about August 10 and December 6, 1945, by the Hunt Brothers Packing Co., from Hayward, Calif.

PRODUCT: 994 cases, each containing 72 8-ounce cans, of tomato sauce at Seattle, Wash.

LABEL, IN PART: "Hunt's Supreme Quality Fancy Spanish Style Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 3, 1946. Hunt Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregating and sorting under the supervision of the Food and Drug Administration, so that it could be brought into compliance with the law.

MEAT AND POULTRY

10665. Adulteration of pork sausage. U. S. v. 148 Cartons * * *. (F. D. C. No. 18101. Sample Nos. 13322-H, 13323-H.)

LABEL FILED: November 7, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 21, 1945, by the Emmart Packing Co., from Louisville, Ky.

PRODUCT: 119 cartons, each containing 6 10-pound rolls, and 29 cartons, each containing 5 10-pound boxes, of pork sausage at Cincinnati, Ohio. The product had undergone decomposition. The time at which decomposition occurred was not determined.

LABEL, IN PART: "Pork Sausage," or "Magnolia Brand Pure Pork Sausage."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: December 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10666. Adulteration of dressed turkeys. U. S. v. Benson Produce Co., and Howard M. Rose. Pleas of guilty. Fine of \$100 against each defendant. (F. D. C. No. 17836. Sample No. 9462-H.)

INFORMATION FILED: April 8, 1946, District of Minnesota, against the Benson Produce Co., a partnership, Benson, Minn., and Howard M. Rose, a partner.

ALLEGED SHIPMENT: On or about May 21, 1945, from the State of Minnesota into the State of New York.

LABEL, IN PART: "Pride of Minnesota."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed turkeys; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal, i. e., turkeys that were diseased at the time of slaughter.

DISPOSITION: July 29, 1946. Pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of \$100 against each defendant.

10667. Adulteration of frozen poultry. U. S. v. 31 Barrels * * *. (F. D. C. No. 18268. Sample No. 4759-H.)

LABEL FILED: October 31, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 16 and 17, 1945, by L. Schwartz and Co., from Monroe, N. C.

PRODUCT: 31 barrels, each containing about 175 pounds, of frozen poultry at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of decomposed poultry.

DISPOSITION: January 3, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS*

10668. Adulteration of peanuts. U. S. v. 121 Bags * * *. (F. D. C. No. 18117. Sample No. 12952-H.)

LABEL FILED: November 8, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 2, 1945, by the Farmers Cotton and Peanut Co., from Plymouth, N. C.

PRODUCT: 121 100-pound bags of peanuts at Cincinnati, Ohio.

*See also No. 10529.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested peanuts.

DISPOSITION: January 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10669. Adulteration of peanuts in shell. U. S. v. 91 Bags * * *. (F. D. C. No. 18034. Sample Nos. 14231-H, 14232-H.)

LIBEL FILED: October 24, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 22 and September 21, 1945, by the National Peanut Corporation, from Suffolk, Va.

PRODUCT: 91 bags of peanuts at Cincinnati, Ohio.

LABEL, IN PART: "Planters Royal Brand Peanuts Planters Nut & Chocolate Co. Suffolk, Va."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live worms, insect excreta, webbing, and insect-damaged peanuts.

DISPOSITION: November 27, 1945. The National Peanut Corporation, claimant, having denied the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and converted into stock feed, and that the fit portion be reconditioned for human consumption, under the supervision of the Food and Drug Administration.

10670. Adulteration of peanuts in shell. U. S. v. 31 Bags * * *. (F. D. C. No. 18060. Sample No. 23519-H.)

LIBEL FILED: October 26, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 2, 1944, by the Bertie Peanut Co., Inc., from Roxobel, N. C.

PRODUCT: 31 95-pound bags of peanuts at St. Louis, Mo.

LABEL, IN PART: "Bertie's Jumbo Hand Picked Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect-damaged peanuts.

DISPOSITION: November 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that it be denatured and disposed of for purposes other than for human consumption.

10671. Adulteration of shelled peanuts. U. S. v. 6 Boxes * * *. (F. D. C. No. 17984. Sample No. 23342-H.)

LIBEL FILED: October 16, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 28, 1945, by the Perry Co., from Camilla, Ga.

PRODUCT: 6 25-pound boxes of shelled peanuts at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of dirty and decomposed peanuts.

DISPOSITION: November 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that it be denatured and disposed of for purposes other than for human consumption.

10672. Adulteration of shelled pecans. U. S. v. 50 Cases * * * (and 5 other seizure actions). (F. D. C. Nos. 19365, 19960, 20222, 20257, 20360, 20414. Sample Nos. 155-H, 158-H, 167-H, 168-H, 21982-H, 35527-H, 35528-H, 52728-H.)

LIBELS FILED: Between the approximate dates of March 25 and July 18, 1946, Western District of Tennessee, Southern District of Florida, and Northern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of February 4 and May 17, 1946, by Thad Huckabee, from Albany, Ga.

PRODUCT: Shelled pecans. 83 30-pound cases and 20 50-pound cases at Memphis, Tenn.; 17 50-pound cases and 17 30-pound cases at Tampa, Fla.;

and 104 30-pound cases at Cleveland, Ohio. Examination of the product showed the presence of *Escherichia coli*, an organism which indicates pollution of fecal origin.

LABEL, IN PART: "Red Seal Pecans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*.

DISPOSITION: May 10 and August 2, 13, and 29, 1946. Thad Huckabee appeared as claimant for the 2 Memphis lots, 1 of the Tampa lots, and the Cleveland lot, and consented to the entry of decrees. Judgments of condemnation were entered, and these 4 lots were ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

On August 7, 1946, no claimant having appeared for the other 2 Tampa lots, judgments of condemnation were entered and the product was ordered destroyed.

10673. Adulteration of shelled pecans and pecan pieces. U. S. v. 75 Boxes of Shelled Pecans and 5 Boxes of Pecan Pieces. (F. D. C. Nos. 18228, 18467. Sample Nos. 861-H, 4656-H.)

LIBELS FILED: October 29 and November 27, 1945, Northern District of Georgia and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 26 and October 19, 1945, by the Orangeburg Pecan Co., from Orangeburg, S. C.

PRODUCT: 75 60-pound boxes of shelled pecans at Atlanta, Ga., and 5 30-pound boxes of pecan pieces at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances by reason of the presence of moldy, rancid, and decomposed pecans.

DISPOSITION: On November 5, 1945, the Columbia Baking Co., Atlanta, Ga., claimant for the Atlanta lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit and usable portion, under the supervision of the Food and Drug Administration. The remainder of this lot was to be utilized for stock feed or destroyed.

On January 10, 1946, no claimant for the Philadelphia lot having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as stock feed.

10674. Adulteration of shelled walnuts. U. S. v. 245 Cases * * *. (F. D. C. No. 18070. Sample No. 36934-H.)

LIBEL FILED: November 5, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about September 28, 1945, by the California Walnut Growers Association, Los Angeles, Calif.

PRODUCT: 245 cases of shelled walnuts at Seattle, Wash.

LABEL, IN PART: "Emerald Brand Grade Pieces 25 Pounds Net Weight Shelled Walnuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-damaged walnut meats.

DISPOSITION: January 23, 1946. The California Walnut Growers Association, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated from the fit portion, under the supervision of the Federal Security Agency.

10675. Adulteration of walnut meats. U. S. v. 30 Cases * * *. (F. D. C. No. 17987. Sample No. 36791-H.)

LIBEL FILED: October 18, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about August 29, 1945, by the L. DeMartini Co., from San Francisco, Calif.

PRODUCT: 30 25-pound cases of walnut meats at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-damaged and moldy walnut meats.

DISPOSITION: December 7, 1945. The L. DeMartini Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the separation of the fit from the unfit portion, under the supervision of the Federal Security Agency, and the disposition of both portions in compliance with the law.

10676. Adulteration of Cream of Nuts. U. S. v. 25, 15, and 8 Cases * * *.
(F. D. C. No. 18277. Sample Nos. 13650-H to 13652-H, incl.)

LIBEL FILED: November 8, 1945, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about July 10, 1945, by the Hoover Food Products Corporation, from Chicago, Ill.

PRODUCT: 48 cases of Cream of Nuts at Knoxville, Tenn. The product was labeled to indicate that it contained appreciable amounts of peanuts, almonds, or black walnuts, whereas it consisted chiefly of water, with small amounts of ground nuts or other fatty substance, sugar, and starch.

LABEL, IN PART: "Cream of Nuts Homogenized Peanut [or "Almond," or "Black Walnut"] Contents 10½ Ozs. Nunut Foods, Inc. Plainwell, Michigan."

NATURE OF CHARGE: Adulteration in violation of Section 402.

DISPOSITION: On January 5, 1946, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On April 19, 1946, the decree was amended to permit the Fat Salvage Unit, War Production Board, to take possession of the goods if it so desired, in order to salvage the fat.

OILS AND FATS

10677. Adulteration and misbranding of edible oil. U. S. v. Caruso Products Distributing Corporation. Plea of guilty. Fine, \$400. (F. D. C. No. 15563. Sample Nos. 82315-F, 94202-F, 94203-F.)

INFORMATION FILED: August 3, 1945, District of New Jersey, against the Caruso Products Distributing Corporation, Newark, N. J.

ALLEGED SHIPMENT: On or about June 20 and October 2, 1944, from the State of New Jersey into the State of New York.

LABEL, IN PART: (Cans) "Sublime Product Extra Fine Oil Signora Brand Pure Oil Corn and Olive Oil One Gallon Net * * * Packed for J. Guarino, Newark, N. J."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an oil of the nature of soybean oil, with some peanut oil present, in 1 lot, and an artificially flavored mixture of corn and cottonseed oil in the other lot, with little or no olive oil present in either lot, had been substituted in whole or in part for corn and olive oil.

Misbranding, Section 403 (a), the label statement "Corn and Olive Oil" was false and misleading since it represented and implied that the product consisted of a mixture of corn oil and olive oil, and that olive oil was present in a substantial amount, whereas a portion of the product consisted essentially of a mixture of an oil of the nature of soybean oil, with some peanut oil present, and the other portion of the product consisted essentially of an artificially flavored mixture of corn oil and cottonseed oil, and the mixtures contained little, if any, olive oil. Further misbranding, Section 403 (i) (2), the product was fabricated from 2 or more ingredients and its label failed to bear the common or usual name of each ingredient; Section 403 (e) (2), a portion of the product failed to bear a label containing an accurate statement of the quantity of the contents since the containers were labeled "One Gallon Net" and contained less than one gallon; and, Section 403 (k), a portion of the product contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: March 8, 1946. A plea of guilty having been entered, the defendant was fined \$100 on each of the 4 counts of the information.

10678. Adulteration and misbranding of edible oil. U. S. v. 27 and 27 Cans * * *. (F. D. C. No. 17563. Sample Nos. 7305-H, 7306-H, 7341-H, 7342-H.)

LIBEL FILED: September 17, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about July 30, 1945, by Antonio Corrao, from Brooklyn, N. Y.

PRODUCT: 54 cans of edible oil at Newark, N. J. The "Figlia Mia Brand" oil consisted essentially of cottonseed oil with some corn oil and contained little or no sunflower oil, peanut oil, or olive oil. The "Pace O Mio Dio Brand" consisted essentially of peanut oil and contained little or no olive oil. Both products were short-volume.

LABEL, IN PART: "Net Contents One Gallon Figlia Mia Brand * * * Cottonseed, Sunflower, Corn, Peanut Oils, and Olive Oil Packed By Universal Salad Oil Co. Brooklyn, N. Y.," or "One Gallon Net Pace O Mio Dio Brand Societa Italiana Commerciale Brooklyn, N. Y. Peanut Oil and Pure Olive Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), cottonseed oil with some corn oil, in the "Figlia Mia Brand," and peanut oil, in the "Pace O Mio Dio Brand," had been substituted in whole or in part for articles of the composition declared on the labels.

Misbranding ("Figlia Mia Brand"), Section 403 (a), the name "Figlia Mia" coupled with a design on the label and the label statements "Guaranteed to Satisfy Italian Taste" and "The oil contained in this can is composed of choice domestic and olive oils" were misleading since they created the impression that the product, or a substantial proportion of it, consisted of olive oil; and, further, the label statement "Composed of Cottonseed, Sunflower, Corn, Peanut Oils, and Olive Oil" was false and misleading.

Further misbranding ("Pace O Mio Dio Brand"), Section 403 (a), the designs of an olive branch with olives and a peanut bush with peanuts on the main panel wherein the olives and the peanuts had approximately equal conspicuousness were misleading in that they implied that peanut oil and olive oil were present in approximately equal proportions, and the label statements, "A Specialty! Guarantees excellent results in the Italian kitchen" and "Grade A Product," were misleading since they implied that the product was olive oil or contained a very substantial proportion of olive oil, which is the traditional oil used in Italian cookery; and, Section 403 (e) (2), (both brands) the products failed to bear labels containing an accurate statement of the quantity of the contents.

DISPOSITION: June 4, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a charitable institution, conditioned that the labels be destroyed under the supervision of the Food and Drug Administration.

10679. Adulteration and misbranding of salad oil. U. S. v. 10 and 5 Cartons * * * (and 13 other seizure actions). (F. D. C. Nos. 18326, 18334 to 18343, incl., 18375, 18376, 18380. Sample Nos. 12066-H to 12074-H, incl., 12503-H, 12504-H, 12508-H to 12511-H, incl., 32971-H.)

LIBELS FILED: Between November 8 and 15, 1945, Districts of Maine, New Hampshire, and Rhode Island.

ALLEGED SHIPMENT: Between the approximate dates of September 7 and October 10, 1945, by the Mercantile Food Products Co., from Boston and Cambridge, Mass.

PRODUCT: 268 cases, each containing a number of 1-gallon, 1-quart, or 1-pint bottles, of Saladola Salad Oil, in various quantities, at Portland and Lewiston, Maine, Providence, R. I., and Nashua, N. H.

LABEL, IN PART: "Saladola Non-Fattening Salad Oil * * * Especially Refined Mineral Oil—Color Added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), artificially colored non-nutritive mineral oil had been substituted in whole or in part for "Salad Oil"; and, Section 402 (b) (4), artificial color had been added to mineral oil so as to make it appear to be salad oil, which is better and of greater value than the article.

Misbranding, Section 403 (a), the statement on the bottle label, "Saladola * * * Salad Oil," and the statement on the poster enclosed in each case, "Saladola No Points Salad Oil," were false and misleading as applied to artificially colored mineral oil, a nonnutritive substance, since salad oil is a nutritive oil.

DISPOSITION: Between December 28, 1945, and February 14, 1946. No claimant having appeared for any of the lots, judgments of condemnation were entered. The Providence lots were ordered destroyed; the Nashua lot was ordered delivered to a public institution, for use as a mechanical lubricant; and the Lewiston and Portland lots were ordered denatured and sold.

SPICES, FLAVORS, AND SEASONING MATERIALS

10680. Adulteration of ground coriander. U. S. v. 1 Barrel * * *. (F. D. C. No. 18100. Sample No. 14433-H.)

LIBEL FILED: November 8, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 1, 1945, by Asmus Brothers, from Detroit, Mich.

PRODUCT: 1 205-pound barrel of ground coriander at Cleveland, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect fragments and mold.

DISPOSITION: December 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10681. Adulteration of horseradish. U. S. v. 420 Cases * * *. (F. D. C. No. 18329. Sample Nos. 11731-H, 11732-H.)

LIBEL FILED: November 5, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 31 and April 16, 1945, by Bronx Home Food Products, from Bronx, N. Y.

PRODUCT: 420 cases, each containing 12 1-fluid-quart jars, of horseradish at Boston, Mass. The product was fermenting.

LABEL, IN PART: "Premier Horseradish Made from Selected Horseradish Roots and Seasoned Vinegar * * * Francis H. Leggett & Co. Distributors New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 29, 1946. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

10682. Adulteration of orange flavor base. U. S. v. 21 Barrels * * *. (F. D. C. No. 17946. Sample No. 16678-H.)

LIBEL FILED: October 24, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 13, 1945, by Griffin Dairy & Ice Cream Co., from Griffin, Ga. This was a return shipment.

PRODUCT: 31 55-gallon barrels of orange flavor base at Chicago, Ill., in possession of the Harrison's Orange Corporation.

LABEL, IN PART: "Harrison's Orange Hut Orange Flavor Base."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law, since it is a substance not required in the production of the food, and it could have been avoided by good manufacturing practice.

DISPOSITION: November 14, 1945. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

10683. Adulteration of paprika. U. S. v. 50 Bags * * *. (F. D. C. No. 18102. Sample No. 14432-H.)

LIBEL FILED: November 8, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 1, 1945, by the Becker-Mayer Seed Co., Inc., from Brooklyn, N. Y.

PRODUCT: 50 110-pound bags of paprika at Cleveland, Ohio. Examination showed that the product had been damaged by water and had become moldy.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 10, 1945. The Becker-Mayer Seed Co., Inc., filed an answer admitting the allegations of the libel, but averring that 36 bags of the product were good and that 14 bags which were damaged could be made to comply with the law, and praying for the release of the product under bond for the purpose of reconditioning the 14 bags. Judgment of condemnation was entered, and the court ordered that the product be released on condition that it be examined and disposed of as prayed by the claimant, should the Food and Drug Administration determine such action to be proper.

10684. Adulteration of dried peppers. U. S. v. 540 Bags and 100 Bags of Dried Red Peppers and 278 Bags of Dried Chili Peppers. (F. D. C. Nos. 18385, 18993, 19168. Sample Nos. 3658-H, 4896-H, 43245-H.)

LIBELS FILED: On or about November 13, 1945, and January 24 and February 5, 1946, District of Maryland and District of New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of September 10 and December 12, 1945, by the Carolina Pepper Association, Florence, S. C.

PRODUCT: 540 100-pound bags of dried red peppers and 278 bags, of various weights, of dried chili peppers at Baltimore, Md., and 100 100-pound bags of dried red peppers at Camden, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances by reason of the presence of moldy peppers.

DISPOSITION: April 12 and 30, 1946. McCormick and Co., Inc., claimant for the Baltimore lots, and the Carolina Pepper Association, claimant for the Camden lot, having admitted the allegations of the respective libels, judgments of condemnation were entered. The products were ordered released under bond, conditioned that the peppers in the Baltimore seizures be cleaned to eliminate all unfit material, that the fit peppers in the Camden seizures be separated from the unfit, and that the latter be destroyed, under the supervision of the Food and Drug Administration.

10685. Adulteration of chili peppers. U. S. v. 89 Bags * * *. (F. D. C. No. 18379. Sample No. 7986-H.)

LIBEL FILED: November 9, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about October 2, 1945, by the Carolina Pepper Association, from Florence, S. C.

PRODUCT: 89 110-pound bags of chili peppers at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy peppers.

DISPOSITION: March 14, 1946. The Carolina Pepper Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the separation of the fit from the unfit portion and the destruction of the latter, under the supervision of the Food and Drug Administration.

10686. Adulteration of red peppers. U. S. v. 155 Bags * * *. (F. D. C. No. 18033. Sample No. 35202-H.)

LIBEL FILED: October 23, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 14, 1945, by H. D. White, from Timmons ville, S. C.

PRODUCT: 155 bags, each containing approximately 100 pounds, of red peppers at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy peppers.

DISPOSITION: November 26, 1945. The David G. Evans Coffee Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

10687. Adulteration and misbranding of popcorn dressing. U. S. v. 1 Drum of a Product Labeled "Eagle Brand Contains Mineral Oils and Fats," etc. (F. D. C. No. 18331. Sample No. 6524-H.)

LIBEL FILED: November 7, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about August 17, 1945, by St. Louis Fondant Co., St. Louis, Mo.

PRODUCT: 1 200-pound drum of popcorn seasoning at New York, N. Y. Analysis showed that the product consisted essentially of artificially colored mineral oil. The product was purchased and used as a popcorn dressing.

LABEL, IN PART: "Eagle Brand Contains Mineral Oils and Fats, Flavors and Other Ingredients Coloring Added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), yellow artificial color had been added to the product and mixed and packed with it so as to make it appear like an edible oil, which is better and of greater value than artificially colored mineral oil.

Misbranding, Section 403 (a), the labeling was misleading in that it failed to reveal the fact material with respect to consequences which may result in the use of the article under such conditions of use as are customary or usual for popcorn dressing, since the product contained an oil which would interfere seriously with the assimilation of certain essential vitamins and minerals; and when used on popcorn the article might render the popcorn injurious to health.

DISPOSITION: December 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10688. Adulteration and misbranding of popcorn seasoning. U. S. v. 10 Drums * * * (and 1 other seizure action). (F. D. C. Nos. 18027, 18221. Sample Nos. 6180-H, 6521-H.)

LIBELS FILED: October 25 and 26, 1945, Middle District of Pennsylvania and Eastern District of New York.

ALLEGED SHIPMENT: On or about August 8 and September 11, 1945, by the Suzanne Processed Oil Co., from Boston, Mass.

PRODUCT: Popcorn seasoning. 10 drums at Scranton, Pa., and 15 435-pound drums, 14 5-gallon cans, and 10 1-gallon cans at Jamaica, N. Y.

LABEL, IN PART: (Drums) "Flow Brand Popcorn Seasoning * * * Contains 100% Soya Bean Oil artificially flavored with butyric acid, esters, artificially colored * * * Blandol." The 5-gallon and 1-gallon cans in the New York lot had been filled by the dealer from drums which had been originally shipped under the above label.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, soybean oil, had been in whole or in part omitted from the product; Section 402 (b) (2), a substance consisting essentially of artificially flavored and colored nonnutritive mineral oil had been substituted in whole or in part for popcorn seasoning containing soybean oil, which the product was represented to be; and, Section 402 (b) (4), mineral oil, having no food value, had been added to the article and mixed and packed with it so as to reduce its quality or strength, and yellow artificial color had been added to the article and mixed and packed with it so as to make it appear to be an edible oil, which is better and of greater value than mineral oil.

Misbranding, Section 403 (a), the label statement "Contains 100% Soya Bean Oil artificially flavored with butyric acid, esters, artificially colored" was false and misleading as applied to an article consisting essentially of mineral oil, artificially flavored and colored, and containing little or no soybean oil.

DISPOSITION: December 17, 1945, and May 1, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10689. Adulteration and misbranding of popcorn seasoning. U. S. v. 4 Cartons * * *. (F. D. C. No. 18160. Sample No. 12053-H.)

LIBEL FILED: October 16, 1945, District of Rhode Island.

ALLEGED SHIPMENT: On or about September 13, 1945, by the Suzanne Processed Oil Co., from Boston, Mass.

PRODUCT: 4 cartons, each containing 1 5-gallon tin, of popcorn seasoning at Providence, R. I. Analysis showed that the product consisted essentially of mineral oil, artificially flavored and colored.

LABEL, IN PART: "Flow Brand Pop Corn Seasoning Full Flavored Pure and Wholesome * * * Contains 100% Soya Bean Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, soybean oil, had been in whole or in part omitted from the article; Section 402 (b) (2), a substance consisting essentially of artificially flavored and colored nonnutritive mineral oil had been substituted in whole or in part for popcorn seasoning containing soybean oil; and, Section 402 (b) (4), mineral oil, having no food value, had been added to the article and mixed and packed with it so as to reduce its quality or strength, and yellow artificial color had been added to the article and mixed and packed with it so as to make it appear to be an edible oil, which is better and of greater value than mineral oil.

Misbranding, Section 403 (a), the label statement "Contains 100% Soya Bean Oil artificially flavored with butyric acid, esters, artificially colored" was false and misleading as applied to an article consisting essentially of mineral oil, artificially flavored and colored, and containing little or no soybean oil.

DISPOSITION: December 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10690. Adulteration of poppy seed. U. S. v. 9 Bags * * *. (F. D. C. No. 18270. Sample No. 4271-H.)

LIBEL FILED: October 31, 1945, Eastern District of Pa.

ALLEGED SHIPMENT: On or about April 30 and May 15, 1945, by the R. J. Spitz Co., from New York, N. Y.

PRODUCT: 9 135-pound bags of poppy seed at Phila. Pa. Examination showed that the product was white poppy seeds artificially colored bluish-black with logwood. The artificially colored seeds simulated in appearance the blue-colored poppy seeds, which have greater commercial value.

LABEL, IN PART: "British India Poppy Seed Artificially Colored With Vegetable Extract."

NATURE OF CHARGE: Adulteration, Section 402 (b) (3), inferiority had been concealed by the addition of logwood, an artificial color; and, Section 402 (b) (4), logwood had been added to the article so as to make it appear better or of greater value than it was.

DISPOSITION: January 3, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10691. Adulteration of poppy seed. U. S. v. 4 Bags * * *. (F. D. C. No. 18222. Sample Nos. 7719-H, 7720-H.)

LIBEL FILED: On or about October 26, 1945, District of Connecticut.

ALLEGED SHIPMENT: On or about May 31 and August 3, 1945, by the Goldex Company, from Brooklyn, N. Y.

PRODUCT: 4 150-pound bags of poppy seed at New Haven, Conn. Examination showed that the product was white poppy seeds artificially colored black with charcoal to simulate the true colored poppy seeds, which have a higher commercial value.

LABEL, IN PART: "Poppy Seeds. Prod. of British India Artificially Colored With Vegetable Colors In U. S. A."

NATURE OF CHARGE: Adulteration, Section 402 (b) (3), the inferiority of the article had been concealed by the addition of charcoal; and, Section 402 (b) (4), charcoal had been added to the article so as to make it appear better or of greater value than it was.

DISPOSITION: January 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10692. Misbranding of India Chutney. U. S. v. 60 Cases * * *. (F. D. C. No. 18161. Sample Nos. 7875-H, 7878-H.)

LIBEL FILED: October 16, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about August 31, 1945, by the Tropical Cone Co., Miami, Fla.

PRODUCT: 60 cases, each containing 24 jars, of India Chutney at New York, N. Y.

LABEL, IN PART: "London Tower India Chutney 1 lb. Sunaid Food Products Miami, Florida * * * Vegetable and Protein Extracts."

NATURE OF CHARGE: Misbranding, Section 402 (a), the label designations "India Chutney" and "London Tower" were misleading since they created the impression that the article was of foreign origin, whereas it was of domestic origin; Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the package contained less than the declared weight; Section 403 (f), the statement of the ingredients which the law requires to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, and designs in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the information appeared on a side panel of the jar wrapper; and, Section 403 (i) (2), the article was fabricated from 2 or more ingredients, and its label failed to bear the common or usual name of each such ingredient, since the label statement "Vegetable and Protein Extracts" is not the common or usual name of any ingredient.

DISPOSITION: November 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

MISCELLANEOUS FOODS

10693. Adulteration and misbranding of green color. U. S. v. Briganti Extract Co., Inc., and Michael Briganti. Pleas of guilty. Fine of \$1,000 against corporate defendant; sentence of individual defendant was suspended, and he was placed on probation for 1 year. (F. D. C. No. 17821. Sample No. 6447-H.)

INFORMATION FILED: March 21, 1946, Eastern District of New York, against the Briganti Extract Co., Inc., a corporation, Brooklyn, N. Y., and Michael Briganti, president and treasurer.

ALLEGED SHIPMENT: On or about October 6, 1944, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Green Color—Oil Soluble Harmless For Technical Use."

NATURE OF CHARGE: Adulteration, Section 402 (c), the article contained coal-tar colors, D&C Green No. 6 and an orange-red coloring matter, which have not been listed for use in foods in accordance with the regulations, and they were others than ones from batches that had been certified.

Misbranding, Section 403 (a), the label statement "For Technical Use" was misleading since the article was not for technical use but was offered for use as food; and, Section 403 (i) (2), the article was fabricated from 2 or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: May 2, 1946. Pleas of guilty having been entered on behalf of both defendants, the court imposed a fine of \$500 on each count against the corporation, a total fine of \$1,000. Imposition of sentence was suspended with respect to the individual defendant, and he was placed on probation for a period of 1 year.

10694. Adulteration of fruit cake mix. U. S. v. 57 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 18489, 18785. Sample Nos. 14579-H, 50634-H.)

LIBELS FILED: November 23, 1945, and January 4, 1946, Western District of Kentucky and District of Minnesota.

ALLEGED SHIPMENT: On or about August 5 and November 1, 1945, by Charles P. Wagner and Brother, New Orleans, La.

PRODUCT: 57 cases, each containing 12 1¼-pound jars, of fruit cake mix at Louisville, Ky., and 11 50-pound pails of fruit cake mix at Minneapolis, Minn.

LABEL, IN PART: "Helen Ann * * * Holly-Day Fruit Cake Mix."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, beetles, cast skins, insects, and insect fragments; and, Section 402 (a) (4), (portion only) it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 26 and March 11, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered disposed of for use as animal feed.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

10695. Misbranding of Allen's Nijara Capsules. U. S. v. Allen Products Co., Inc., and Marion Allen. Pleas of guilty. Fine, \$75. (F. D. C. No. 10539. Sample Nos. 37131-F, 37143-F, 37149-F.)

INFORMATION FILED: March 24, 1945, District of Columbia, against the Allen Products Co., Inc., Washington, D. C., and Marion Allen, president of the corporation.

ALLEGED SHIPMENT: On or about February 24 and March 23, 1943, within the District of Columbia.

PRODUCT: Microscopic examination showed that the product consisted essentially of green stem and leaf material, including parsley and water cress.

Vitamin assays showed that each capsule contained less than 5 U. S. P. Units of vitamin A, 4.4 micrograms (0.0044 milligram) of thiamine hydrochloride (vitamin B₁), 0.5 milligram of vitamin C, less than 4 U. S. P. Units of vitamin D, 9 micrograms (0.009 milligram) of riboflavin, and 86 micrograms (0.086 milligram) of nicotinic acid.

Chemical analysis showed that each capsule contained approximately 4.3 milligrams of calcium, 3.2 milligrams of phosphorus, and 0.4 milligram of iron.

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the circulars enclosed in the boxes containing the article were false and misleading since they represented and created the false impression that the article was a new food; that it was a concentrated dietary supplement; and that it would supply the body with the essential minerals and vitamins necessary to replace bodily mineral and vitamin deficiency, which minerals and vitamins are necessary to health. The article when used according to directions would supply not more than one-fifth of the minimum daily requirements for iron, an inconsequential fraction of the minimum daily requirements of the body for such essential vitamins as vitamin A, vitamin B₁, vitamin C, vitamin D, and riboflavin, and such essential minerals as calcium and phosphorus, and but an insignificant amount of nicotinic acid.

Further misbranding, Section 403 (j), the article purported to be and was represented for special dietary uses by man by reason of its vitamin and mineral properties, and its label did not bear a statement of the dietary properties upon which such use was based in whole or in part, including a statement showing the presence or absence of specific essential minerals and vitamins.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1982.

DISPOSITION: June 22, 1945. Pleas of guilty having been entered on behalf of the defendants, the court imposed a total fine of \$75.

10696. Misbranding of Kia-Tone Mineral Food Supplement. U. S. v. 5 Bottles * * * and a number of circulars. (F. D. C. No. 18165. Sample No. 32247-H.)

LIBEL FILED: November 13, 1945, District of Arizona.

ALLEGED SHIPMENT: On or about July 3, 1945, by the Kia-Min Laboratories, from Los Angeles, Calif.

PRODUCT: 5 8-ounce bottles of Kia-Tone Mineral Food Supplement at Glendale, Ariz., together with a number of circulars entitled "Man's Rightful Heritage," which had been shipped with the product.

Analysis disclosed that the product consisted of water and an iron compound, very small portions of calcium, aluminum, and magnesium compounds with traces of phosphates and iodides.

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements on the bottle label and in the circulars were false and misleading since they represented and suggested that the article was a tonic, and that it would aid in restoring the mineral balance of the body cells, all of which were false. It was represented also that it would serve as a dietary source of minerals, whereas the only mineral it would supply was iron.

Further misbranding, Section 403 (i), the label of the article failed to bear the common and usual name of each ingredient; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its mineral content, and its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirement for each mineral supplied by the article when consumed in a specified quantity during a period of 1 day.

DISPOSITION: January 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product and circulars were ordered destroyed.

10697. Misbranding of Min-E-Vita. U. S. v. 11 Cartons * * * and a number of leaflets, booklets, and display cards. (F. D. C. No. 18241. Sample No. 25115-H.)

LIBEL FILED: On or about November 9, 1945, Northern District of Texas.

ALLEGED SHIPMENT: On or about May 21, 1945, by Helios Foods, Inc., from Chicago, Ill.

PRODUCT: 11 Cartons of Min-E-Vita, 11 leaflets entitled "Why Min-E-Vita?" and 111 booklets and 35 display cards entitled "Min-E-Vita Versus Gray Hair" at Dallas, Tex.

LABEL, IN PART: "Min-E-Vita * * * 30 Mineral Tablets * * * Calcium Phosphorus Iron—Sodium Potassium Aluminum Copper—Iodine Magnesium Manganese * * * 30 Vitamin Capsules * * * Each Capsule Contains Not Less Than: Vitamin A—5000 U.S.P. Units Vitamin B₁—333 U.S.P. Units Vitamin C—600 U.S.P. Units Vitamin D—500 U.S.P. Units Vitamin B₂—1000 Gammas—Riboflavin Vitamin E—2 Minims Wheat Germ Oil Plus 10 Milligrams Calcium Pantothenate Anti-Gray Hair Vitamin."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements on the label of the article and in the accompanying leaflets, booklets, and display cards were false and misleading since they represented and suggested that the article would be effective to restore the original color to gray hair, to insure health and vitality, to build resistance to disease, and to provide essential minerals not readily and easily available from common foods; and that it would be effective in the treatment and prevention of low resistance, frequent colds, hay fever, asthma, pimples, acne, eczema, hyperacidity, acidosis, arthritis conditions, general debility, painful, difficult menstruation, insomnia, nervous disorders, waning sexual vigor, listlessness, fatigue, and digestive and heart disorders. The article would not be effective for those purposes.

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its vitamin and mineral content; and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins A, B₁, C, D, and B₂, and of the minerals, calcium, phosphorus, iodine, and iron supplied by the article when consumed in a specified quantity during a period of 1 day. The label failed also to bear, as required by the regulations, a statement of the quantity of vitamin E, calcium pantothenate, sodium, potassium, aluminum, copper, magnesium, and manganese furnished by a specified quantity of the article, and a statement that the need for vitamin E, calcium pantothenate, aluminum, and manganese in human nutrition has not been established.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1737.

DISPOSITION: December 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product, together with the printed matter, was ordered destroyed.

10698. Misbranding of Pa-Po-Ya. U. S. v. 109 Bottles * * *. (F. D. C. No. 18017. Sample No. 2940-H.)

LIBEL FILED: October 18, 1945, District of Columbia.

PRODUCT: 57 1-pint bottles, 44 1-quart bottles, and 8 1-gallon bottles of Pa-Po-Ya, held for sale in the District of Columbia in the possession of the Citrus Juice Co., Washington, D. C. Examination showed that the product was a sirup with a burning taste, and that it possessed no protein digestive properties.

LABEL, IN PART: "Pa-Po-Ya * * * A concentrate sirup (Tropical Laboratory Process) made from the Tropical Melon, Papaya, including skin, pulp and seed; sugars, inverted with fruit acid—added, honey, fruit and vegetable flavors * * * The Tropical Tree-Melon Papaya. So rich in Natural Vitamins A-B-C-G and ten minerals, plus a natural aid to digestion (Pa-pain)."

NATURE OF CHARGE: Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content; and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for vitamins A, B, C, and D, and the minerals, which would be supplied by the article when consumed in a specified quantity during a period of 1 day.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1727.

DISPOSITION: January 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered for the use of St. Elizabeth's Hospital, at Washington, D. C.

10699. Misbranding of Vitaminized Sodeom Tablets and various other drugs. U. S. v. 6 Bottles of Vitaminized Sodeom Tablets, etc. (F. D. C. Nos. 15710, 15718. Sample Nos. 4205-H, 4206-H, 4208-H, 4209-H, 28143-H to 28151-H, incl., 28153-H to 28155-H, incl., 28160-H.)

LIBELS FILED: March 15 and 22, 1945, Eastern Districts of Pennsylvania and Washington.

ALLEGED SHIPMENT: Between the approximate dates of March 16, 1944, and January 23, 1945, by Mineralized Foods, Inc., from Baltimore, Md.

PRODUCT: 47 bottles of Vitaminized Sodeom Tablets, 57 bottles of Imported Sea Vegetation Tablets, 6 bottles of Vitaminized Imported Sea Vegetation Tablets, 26 bottles of Sea Vegecene (Powder), 18 bottles of Kalseom, 62 bottles of D-X Tablets, 44 bottles of Imported Sea Vegetable Tablets, 26 bottles of Ferrolene Tablets, 17 bottles of Sea-Vo-Kra Tablets, 5 bottles of FYA Tablets, 4 bottles of West-Aid Tablets, 10 bottles of Mar-Glo Tablets, and a number of accompanying booklets entitled "Excerpts from 'Diet Daily or Die Early'." The products were located at Philadelphia, Pa., and Yakima, Wash.

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the booklets were misleading.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1991, in which are quoted excerpts from the labels, indicating the composition of the products and the nature of the false and misleading claims.

DISPOSITION: On April 10, 1945, Mineralized Foods, Inc., claimant for the Philadelphia lot, having consented to the entry of a decree, judgment was entered finding the products misbranded by reason of the misleading statements in the booklets, and ordering them returned to the claimant. It was further ordered that the booklets be condemned and destroyed.

On June 12, 1945, Armstrong's Natural Food Center, Yakima, Wash., and Mineralized Foods, Inc., claimants for the Yakima lot, having consented to the entry of a decree, judgment was entered ordering the products released under bond for relabeling.

10700. Misbranding of Yogurt Culture. U. S. v. 9 Cartons of Yogurt Culture, and enclosed circulars. (F. D. C. No. 18262. Sample No. 23350-H.)

LIBEL FILED: On or about November 9, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 27, 1945, by the Health Food Jobbers, from Chicago, Ill.

PRODUCT: 9 cartons, each containing 1 bottle, of Yogurt Culture at St. Louis, Mo., together with enclosed circulars entitled "Yogurt Culture A Health Aid." Examination indicated that the product was a culture of viable lactobacilli, as represented in its labeling.

LABEL, IN PART: "Rosell Institute's Original Yogurt Culture * * * International Yogurt Company, Los Angeles, California."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1729, in which is set forth the nature of the false and misleading claims referred to above.

DISPOSITION: November 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 10501 TO 10700

PRODUCTS

	N. J. No.		N. J. No.
Allen's Nijara Capsules-----	10695	Cream-----	10597-10599
Anchovies, salted-----	10611	of Nuts (spread)-----	10676
Apple(s)-----	10624	D-X Tablets-----	10699
canned-----	10613	Dairy products-----	10582-10599
pomace-----	10628	Effect-O Stabilizer-----	10518
Apricot(s), dried-----	10620	Eggs, dried-----	10600
puree-----	10629	frozen, whole-----	10601-10603
Asparagus, frozen-----	10633	shell-----	10604
Bakers starch-----	10565	Enriched flour-----	10545, 10546
Bakery products-----	10519, 10520	FYA Tablets-----	10699
Barley, ground-----	10551	Farina-----	10530
malt-----	10529	Ferrolene Tablets-----	10699
Beer-----	10511-10515	Fish and shellfish-----	10605-10612
Bevco Stabilizer-----	10518	505 Fermentation Inhibitor-----	10516
Beverages and beverage mate- rials-----	10501-10518, 10654-10657, 10682	<i>See also</i> Stabilizer 505.	
Blueberries-----	10625	Flour-----	10527-10546
Brewers flakes-----	10552-10555	enriched-----	10545, 10546
grits-----	10556	Fruits and vegetables-----	10501-10510, 10613-10664
malt-----	10557	fruit(s), beverages-----	10504, 10506- 10510
Butter-----	10582-10592	canned-----	10613-10619
Cake, fruit-----	10519, 10520	cocktail-----	10618, 10619
mix-----	10694	dried-----	10620-10623
Candy-----	10567-10575	fresh and frozen-----	10624-10626
Cereals and cereal products-----	10519- 10566	miscellaneous fruit and fruit products-----	10627-10632
Cheddar cheese-----	10595	sirups-----	10501-10504
Cheese-----	10593-10596	tomatoes and tomato prod- ucts-----	10651-10664
Cheddar-----	10595	vegetables and vegetable prod- ucts-----	10633-10650
grated-----	10596	Grape-flavored concentrate-----	10501
Cherry-flavored concentrate-----	10501	beverage-----	10504, 10510
Chocolate coating-----	10576-10578	juice punch-----	10508, 10509
Chutney, India-----	10692	Green color-----	10693
Citrus peel-----	10631	Greens, turnip and mustard, canned-----	10647
Clams, minced, canned-----	10612	Grits, brewers-----	10556
Color for food uses-----	10693	soya-----	10566
Coriander, ground-----	10680	Hake fillets, frozen-----	10607, 10608
Corn, canned-----	10634	Harrison's beverage bases-----	10502-10504
flour-----	10528, 10529	beverages-----	10504
meal-----	¹ 10521-10528		

¹(10521) Prosecution contested.

	N. J. No.		N. J. No.
Holler's loganberry-, raspberry-, grape-, strawberry-, and cherry-flavored concentrates	10501	Poultry	10666, 10667
Horseradish	10681	Prunes, canned	10617
Imported Sea Vegetable Tablets and Imported Sea Vegeta- tion, Tablets	10699	Raisins	10621-10623
India Chutney	10692	Raspberry-flavored concentrate	10501
Kalseom	10699	preserves	10627
Kia-Tone Mineral Food Supple- ment	10696	Ravioli Dinner	10550
Lemon beverage base	10505	Root beer	10506
Lime beverage base	10505	Rye flour	10528, 10530
Loganberry-flavored concentrate	10501	meal	10528
Macaroni and noodle products	10547- 10550	Salad oil. <i>See Oils and fats.</i>	
Malt, barley	10529	Salmon, canned	10605
Mar-Glo Tablets	10699	Sauerkraut	10648, 10649
Meat	10665	Sausage, pork	10665
<i>See also Poultry.</i>		Sea Vegecene (Powder)	10699
Min-E-Vita	10697	Sea-Vo-Kra Tablets	10699
Mix, fruit cake	10694	Sirups, beverage	10501-10505
Mustard greens, canned	10647	table	10579, 10580
Noodles, egg	10549	Soy flour	10543
<i>See also Macaroni and noodle products.</i>		Soya grits	10566
Nuts and nut products	10529, 10668-10676	Spaghetti. <i>See Macaroni and noodle products.</i>	
Oatmeal	10558	Spices, flavors, and seasoning materials	10680-10692
Oils and fats	10677-10679	Stabilizer(s), beverage	10516-10518
Olives	10632	505	10517
Orange beverage bases	10502-10505, 10682	No. 1295	10518
beverages	10504, 10506	Starch, bakers	10565
juice, canned	10507	Strawberry-flavored c o n c e n - trate	10501
Pa-Po-Ya	10698	puree	10630
Paprika	10683	Sugar	10581
Peaches, canned, diced	10614, 10615	ToasTillas (corn product)	10650
dried	10621	Tomato(es), canned	10651, 10652
frozen	10626	catsup	10653
Peanut(s)	10668-10671	juice	10654-10657
cake meal	10529	paste	10658, 10659
Pears, canned	10616	puree	10659-10663
diced	10614, 10615	sauce	10664
Peas, canned	10635-10646	Tullibeas, frozen	10609
Pecans	10672, 10673	Tuna fish, canned	10606
Peppers, chili	10684, 10685	Turkeys, dressed	10666
red	10684, 10686	Turnip greens, canned	10647
Pineapple beverage	10504	Vitamin preparations and foods for special dietary uses	10695- 10700
Popcorn	10559-10564	Vitaminized Imported Sea Vege- tation Tablets and Vitamin- ized Sodeom Tablets	10699
dressing	10687	Walnuts	10674, 10675
seasoning	10688, 10689	West-Aid Tablets	10699
Poppy seed	10690, 10691	Wheat cereal	10566
Pork sausage	10665	Whiting, frozen	10610
		Whole wheat flour	10528, 10544
		Yogurt Culture	10700

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Allen, Marion:		California Associated Products Co.:	
Allen's Nijara Capsules-----	10695	grape juice punch-----	10509
Allen Products Co., Inc.:		California Walnut Growers Assoc.:	
Allen's Nijara Capsules-----	10695	shelled walnuts-----	10674
Almonette Candy Co.:		Calumet-Dutch Packing Co.:	
popcorn confection-----	10575	canned peas-----	10641
Antigo Canning Factory:		Cape Cod Fillet Co.:	
canned peas-----	10635	frozen hake fillets-----	10607, 10608
Asmus Brothers:		Carolina Pepper Assoc.:	
ground coriander-----	10680	dried peppers-----	10684
Atkins Popcorn Co.:		chili peppers-----	10685
popcorn-----	10560	Caruso Products Distributing Corp.:	
Atlantic Co.:		edible oil-----	10677
barley, ground-----	10551	Central Popcorn Co.:	
beer-----	10513	popcorn-----	10559
Aylor & Meyer Co.:		Central States Produce Corp.:	
corn meal-----	10524, 10525	apple pomace-----	10628
Bachman Chocolate Mfg. Co.:		Chandler Laboratories:	
chocolate coating-----	10578	Effect-O Stabilizer, Stabilizer No. 1295, and Bevco Stabilizer-----	10518
Baker, Walter, & Co., Inc.:		Chicago Pickle Co., Inc.:	
chocolate coating-----	10576	sauerkraut-----	10649
Bangert, A. L.:		Chickasha Milling Co.:	
cream-----	10598	flour, phosphated-----	10538, 10539
Bauman, W. F.:		self-rising-----	10539
cream-----	10599	Chippewa Canneries:	
Bear-Stewart Co.:		canned peas-----	10638
citrus peel-----	10631	Citrus Concentrates, Inc.:	
Becker-Mayer Seed Co., Inc.:		canned orange juice-----	10507
paprika-----	10683	Citrus Juice Co.:	
Benson Produce Co.:		Pa-Po-Ya-----	10698
dressed turkeys-----	10666	Clark, D. L., Co.:	
Berry Produce:		candy-----	10569
cream-----	10597	Cole, H. C., Milling Co.:	
Bertie Peanut Co., Inc.:		flour-----	10533
peanuts in shell-----	10670	Columbia Canning Co.:	
Bertman Pickle Co.:		canned peas-----	10637
tomato puree-----	10660	Columbus Foods Corp.:	
Bertolino, Frank, & Son:		canned peas-----	10640
frozen hake fillets-----	10608	Commonwealth Ice & Cold Storage Co.:	
Better Quality Egg Co.:		frozen whiting-----	10610
frozen whole eggs-----	10603	Copa Sales Co.:	
Bewley Mills:		olives-----	10632
flour and corn meal-----	10527	Corrao, Antonio:	
Blair Packing Corp.:		edible oil-----	10678
canned corn-----	10634	Crete Mills:	
Blenheim Bottling Works:		corn meal-----	10522
grape beverage-----	10510	Cudahy Packing Co.:	
Blue Bird Candy Co.:		cream-----	10597
coconut parfait-----	10573	Cudahy Packing Co., Dairy and Poultry Div.:	
Bomar, W. P.:		Cheddar cheese-----	10595
flour and corn meal-----	10527	Cummins, O. V., & Sons:	
Braden Produce:		apples-----	10624
cream-----	10597	Dad's Quality Syrup Co.:	
Briganti, Michael:		table sirup-----	10579
green color-----	10693		
Briganti Extract Co., Inc.:			
green color-----	10693		
Bronx Home Food Products:			
horseradish-----	10681		
Brown, J. S., & Son:			
cane sirup-----	10580		
Buffalo Merchandise Warehouse:			
yellow corn meal-----	10526		

	N. J. No.		N. J. No.
Davis-Cleaver Produce Co.:		Fuller Foods:	
butter-----	10589	popcorn-----	10561
DeMartini, L., Co.:		G & G Distributors:	
walnut meats-----	10675	Harrison's beverage base and	
Dearborn Trading Co.:		Harrison's beverages-----	10504
candy-----	10572	Gartin Creamery Co.:	
Decatur Milling Co.:		cream-----	10597
brewers flakes-----	10553	Gaston Canning Co.:	
Demuth, J. G.:		tomato puree-----	10661
cream-----	10599	General Food Sales Co.:	
Denbo, R. H., Canning Co.		pastry flour-----	10536
canned tomato juice-----	10657	Globe Milling Co.:	
Denison Poultry & Egg Co.:		rye flour-----	10542
butter-----	10592	Golden Pickle Works, Inc.:	
Denton Canning Co.:		sauerkraut-----	10648
turnip greens and mustard		Goldex Company:	
greens-----	10647	poppy seed-----	10691
Doll Orchards:		Grant Produce Co.:	
apples-----	10624	cream-----	10597, 10598
Dreblow, Geo. W., & Son:		Great Atlantic & Pacific Tea Co.:	
table sirup-----	10579	flour-----	10534
Dubon Co.:		Griffin Dairy & Ice Cream Co.:	
cane sirup-----	10580	orange flavor base-----	10682
Duche, T. M., & Sons, Inc.:		Guarino, J.:	
dried eggs-----	10600	edible oil-----	10677
Dunlop Milling Co., Div. of Igle-		H. M. Canning Co.:	
heart Bros., Inc.:		canned orange juice-----	10507
self-rising flour-----	10540	Habib's:	
Durand Canning Co.:		fruit cake-----	10519
canned peas-----	10646	Hamilton Food Store:	
Emmart Packing Co.:		cheese-----	10594
pork sausage-----	10665	Harrison's Orange Corp.:	
English, Walter:		orange beverage bases-----	10502,
tomato puree-----	10660		10503, 10682
Eppley Popcorn Co.:		Havana Canning Co.:	
popcorn-----	10562	canned pears-----	10616
Evans, W. W.:		Health Food Jobbers:	
canned corn-----	10634	Yogurt Culture-----	10700
Fairmont Creamery Co.:		Hedglin, C. W.:	
butter-----	10585	cream-----	10597
Farmers Cotton & Peanut Co.:		Heinz, H. J., Co.:	
peanuts-----	10668	raisins-----	10623
Farmers Union Co-op Gas & Oil		Helios Foods, Inc.:	
Co.:		Min-E-Vita-----	10697
cream-----	10598	Holler's Concentrated Beverages:	
Fine Foods, Inc.:		Holler's loganberry-, rasp-	
canned corn-----	10634	berry-, grape-, strawberry-,	
Fleischmann Malting Co.:		and cherry-flavored concen-	
brewers malt-----	10557	trates (beverage bases)-----	10501
Flotill Products, Inc.:		Hollis, J. C.:	
peaches and pears, canned,		Holler's loganberry-, rasp-	
diced-----	10614, 10615	berry-, grape-, strawberry-,	
tomato paste-----	10658	and cherry-flavored concen-	
Foote, D. E., & Co., Inc.:		trates (beverage bases)-----	10501
tomato puree-----	10663	Honey Krust Bakery Co.:	
Ford, R.:		Fruit Nut Bar (cake) and fruit	
blueberries-----	10625	cake-----	10520
Franchetti, J.:		Hoover Food Products Corp.:	
blueberries-----	10625	Cream of Nuts-----	10676
French-Bauer, Inc.:		Hosier & Co.:	
butter-----	10586, 10587	frozen peaches-----	10626
Fruit Bar Products Co.:			
Fruit Bars (candy)-----	10574		

	N. J. No.		N. J. No.
Huckabee, Thad :		Liberty Chocolate Co. :	
shelled pecans-----	10672	candy-----	10570
Hunt Brothers Packing Co. :		Lilly, J. C. :	
canned tomato sauce-----	10664	cream-----	10599
Hunt Foods, Inc. :		Lutz Canning Co. :	
canned fruit cocktail-----	10618, 10619	tomato puree-----	10660
Huntsville Canning Co. :		McKinney, P. F. <i>See</i> McKinney,	
canned tomato juice-----	10656	Peter F.	
Illinois Fruit Growers Exchange :		McKinney, Peter F. :	
apples-----	10624	dried apricots-----	10620
Inland Mills, Inc. :		Mallory Canning Co. :	
enriched flour-----	10545	canned peas-----	10636
International Yogurt Co. :		Manaster, Irving, & Co. :	
Yogurt Culture-----	10700	frozen whole eggs-----	10602
Iowa Canning Co. :		Manitoba Fisheries, Ltd. :	
canned peas-----	10642	frozen tullibeas-----	10609
James, E. T. :		Manteca Canning Co. :	
candy-----	10567	tomato paste and tomato	
Jay-Dee Candy Co. :		puree-----	10659
candy-----	10571	Merchants Creamery Co. :	
Jerpe Dairy Products Corp. :		butter-----	10582
butter-----	10588	Mercantile Food Products Co. :	
Johnson, Andrew :		salad oil-----	10679
cream-----	10599	Metropolis Brewery, Inc. :	
Johnston, E. O. :		beer-----	10512
cream-----	10599	Midfield Packers :	
Kelly Creamery :		apricot puree-----	10629
butter-----	10583	asparagus, frozen-----	10633
Kenny, C. D., Div., Sprague War-		Mills, R. R. :	
ner-Kenny Corp. :		cream-----	10597
canned peas-----	10643	Mineralized Foods, Inc. :	
Kentucky Macaroni Co. :		Vitaminized Sodeom Tablets,	
macaroni products-----	10548	Imported Sea Vegetation	
Kia-Min Laboratories :		Tablets, Vitaminized Im-	
Kia-Tone Mineral Food Supple-		ported Sea Vegetation Tab-	
ment-----	10696	lets, Sea Vegecene (Powder),	
Klein Chocolate Co. :		Kalseom, D-X Tablets, Im-	
chocolate coating-----	10577	ported Sea Vegetable Tab-	
Kockos Brothers, Ltd. :		lets, Ferrolene Tablets,	
grape juice punch-----	10509	Sea-Vo-Kra Tablets, FYA	
canned salmon-----	10605	Tablets, West-Aid Tablets,	
Krause, Charles A., Milling Co. :		and Mar-Glo Tablets-----	10699
brewers flakes-----	10554	Miramar Products Co. :	
Kroger Grocery & Baking Co. :		coconut parfait-----	10573
butter-----	10582	Monark Egg Corp. :	
Kuhn Canning Co. :		frozen whole eggs-----	10601
canned tomatoes-----	10652	Moore-Lowry Flour Mills Co. :	
La Grange Mills :		enriched flour-----	10546
flour-----	10532	Morgan Packing Co. :	
Lahm Potato Chip Co. :		tomato catsup-----	10653
popcorn-----	10563, 10564	Morris Fisheries, Inc. :	
Lauhoff Grain Co. :		frozen hake fillets-----	10607, 10608
brewers flakes-----	10552	Morris Fisheries of Massachu-	
Leadway Foods :		setts, Inc. :	
canned tomato juice-----	10654	frozen hake fillets-----	10607
Leggett, Francis H., & Co. :		Morrison, E. W. :	
horseradish-----	10681	corn meal----- ¹	10521
Lerner, A. N. :		Morrison Milling Co. :	
Holler's loganberry-, rasp-		corn meal----- ¹	10521
berry-, grape-, strawberry-,		Mount Vernon Milling Co. :	
and cherry-flavored concen-		brewers flakes-----	10555
trates (beverage bases)-----	10501		

¹ (10521) Prosecution contested.

	N. J. No.		N. J. No.
National Grocery Co.:		Renehan, A. H., & Son:	
Fruit Bars (candy)-----	10574	canned apples-----	10613
National Peanut Corp.:		Rialto Food Products Co.:	
peanuts in shell-----	10669	grated cheese-----	10596
Nauvoo Milk Products Co.:		Richmond Chase Co.:	
cheese-----	10593	canned tomato juice-----	10655
Newton Mill & Elevator Co.:		Rider, Kenneth N., Co., Inc.:	
phosphated flour-----	10537	tomato puree-----	10662
North American Brewing Co.:		Riveredge Warehouse Corp.:	
beer-----	10514	corn flour, peanut cake meal,	
Nunut Foods, Inc.:		and barley malt-----	10529
Cream of Nuts-----	10676	Riverview Canning Co.:	
Oelerich & Berry Co.:		canned peas-----	10639
sauerkraut-----	10649	Roberts Co.:	
Old Dutch Brewers, Inc.:		plain flour, farina, rye flour,	
beer-----	10515	and rye graham flour-----	10530
Olympia, Port of:		Rocky Mountain Packing Corp.:	
frozen asparagus-----	10633	canned peas-----	10644
Orangeburg Pecan Co.:		Rose, H. M.:	
shelled pecans and pecan		dressed turkeys-----	10666
pieces-----	10673	Rosen Products, Inc.:	
Paul's Cannery:		raspberry preserves-----	10627
canned salmon-----	10605	Rosenberg Bros. & Co.:	
Penick & Ford, Inc.:		raisins-----	10622
brewers grits-----	10556	St. Francis Merc. Equity Ex-	
Perkin Mercantile Co.:		change:	
cream-----	10597	cream-----	10597, 10598
Perkins, D. A., Inc.:		St. Louis Fondant Co.:	
grape juice punch-----	10508	popcorn dressing-----	10687
Perry Co.:		Salamonie Packing Co.:	
shelled peanuts-----	10671	canned tomato juice-----	10654
Pflughoft Produce:		Schneider Egg Co.:	
cream-----	10597	frozen whole eggs-----	10603
Phillips Brothers:		Schoneberger & Sons:	
canned tomatoes-----	10651	egg noodles-----	10549
Pietrous, A. J.:		Schwartz, J., & Sons:	
shell eggs-----	10604	candy-----	10568
Pilser Brewing Co., Inc.:		Schwartz, L., & Co.:	
beer-----	10511	frozen poultry-----	10667
Planters Nut & Chocolate Co.:		Seaview Fish Co., Inc.:	
peanuts in shell-----	10669	frozen hake fillets-----	10608
Pleasant Hill Canning Co.:		Sethness Products Co.:	
tomato puree-----	10660	505 Fermentation Inhibitor---	10516
Plymouth Creamery Co.:		Stabilizer 505-----	10517
butter-----	10591	Silver Cup Beverage Co.:	
Plymouth Packing Co.:		root beer, orange punch soda,	
canned minced clams-----	10612	and fruit punch-----	10506
Portland Auto Delivery:		Skolnick, Sam and Wolf:	
wheat cereal and soya grits---	10566	raspberry preserves-----	10627
Puleo, T.:		Smiley, B. F.:	
blueberries-----	10625	cream-----	10598
Pumphrey, G. H.:		Snyders, Inc.:	
cream-----	10597	coconut parfait-----	10573
Quaker Oats Co.:		Societa Italiana Commerciale:	
flour, self-rising-----	10541	edible oil-----	10678
oatmeal-----	10558	Soukup Produce Co.:	
Ralston Purina Co.:		cream-----	10597
whole wheat flour-----	10544	Southern Butter Co.:	
Reib Factors, Inc.:		butter-----	10584
candy-----	10571		

	N. J. No.		N. J. No.
Southern Terminal Warehouse Co.:		United Creameries Service:	
soy flour-----	10543	butter-----	10590
Spitz, R. J., Co.:		United Grocers, Ltd.:	
poppy seed-----	10690	canned tomato juice-----	10655
Spring Green Cry.:		Universal Salad Oil Co.:	
cheese-----	10593	edible oil-----	10678
Springbrook Packing Co. Cooperative:		Vagim Packing Co.:	
canned prunes-----	10617	raisins and dried peaches-----	10621
Staley, A. E., Manufacturing Co.:		Val Vita Food Co.:	
bakers starch-----	10565	canned fruit cocktail-----	10618
Standard Butter & Egg Co.:		Vimco Macaroni Products Co.:	
butter-----	10591	macaroni products-----	10547
Standard Candy Co.:		Wagner, Charles P., & Brother:	
candy-----	10572	fruit cake mix-----	10694
Stayton Canning Co.:		Waldbaum, S. & W., Inc.:	
canned prunes-----	10617	butter-----	10590
Stipolt, Clark:		Wall Rogalsky Milling Co.:	
cream-----	10599	flour-----	10535
Sunaid Food Products:		Wanzer, Raymond:	
India Chutney-----	10692	grape juice punch-----	10508
Sunway Fruit Products:		Western Grain Co.:	
beverage bases-----	10505	corn meal-----	10523
Suzanne Processed Oil Co.:		Whelan Co.:	
popcorn seasoning-----	10688, 10689	coconut parfait-----	10573
Tennessee Cold Storage & Warehouse Co.:		White, H. D.:	
frozen peaches-----	10626	red peppers-----	10686
Terminal Flour Mills Co.:		White Villa Grocers, Inc.:	
flour-----	10531	oatmeal-----	10558
Terminal Warehouse Co.:		Wilson & Co.:	
plain flour, corn flour, rye flour, whole wheat flour, rye meal, and corn meal-----	10528	butter-----	10588
Toastilla Co. See Winters, O. A., and Wright, S. E.		Winters, O. A.:	
Todkill & Chapman:		Toastillas (corn product)-----	10650
strawberry puree-----	10630	Woods Cross Canning Co.:	
Tropical Cone Co.:		canned peas-----	10645
India Chutney-----	10692	Wright, S. E.:	
Twin Rivers Co., Inc.:		Toastillas (corn product)-----	10650
butter-----	10590	Wyler & Co.:	
United Candy Co.:		Ravioli Dinner-----	10550
candy-----	10567	Yaquina Bay Fish Co.:	
		canned tuna fish-----	10606
		Ziel & Co.:	
		salted anchovies-----	10611
		Zuercher, C. E.:	
		cheese-----	10593
		Zuercher, C. E., & Co.:	
		cheese-----	10593

